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CHAPTER 30: FORM OF GOVERNMENT

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§ 30.01 FORM OF GOVERNMENT.

The form of government provided for the city shall be known as the “City Manager Plan.”
(KRS 83A.150(1))

§ 30.02 GOVERNING OFFICERS.

(A) The legislative body shall be composed of the Mayor and four Commissioners, and shall be known as the Board of Commissioners. All legislative and executive authority of the city shall be vested in and exercised by the Board.

(B) The Board shall appoint the City Manager by a majority vote of all its members. The City Manager shall be the chief administrative officer and exercise those executive powers and duties delegated to him or her by ordinance and statute.
(KRS 83A.150(2), (3), (8), (9))

CHAPTER 31: CITY OFFICIALS

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City Engineer, see § 36.081

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GENERAL PROVISIONS

§ 31.01 OATH; BOND.

(A) *Oath.* Each officer of the city shall, before entering upon the discharge of duties of his or her office, take the oath of office as established by Section 228 of the Kentucky Constitution. ('70 Code, § 2.57.010)

(B) *Bond.* All officers of the city who handle public funds in the execution of their duties shall give a good and sufficient bond to the city for the faithful and honest performance of their duties and as security for all money coming into the officer's hands or under the officer's control. The amount of the bond shall be established based on the amount of public funds the officer handles at any point in time during the fiscal year and may be satisfied by a blanket or umbrella bond covering all or a group of city officers and employees. The cost of the bond shall be paid by the city. ('70 Code, §§ 3.53 and 3.54)

Statutory reference:

Bonding of officers, officials and employees who handle money, see KRS 65.067

§ 31.02 OBLIGATION OF OFFICERS.

(A) Each officer, by accepting an office, undertakes to perform the duties as result from the nature of the office or from law or ordinance whether enacted before or after he or she becomes an officer. No officer shall become interested, while in office, in any contract with the city, the making or execution of which is connected with his or her official duty, and no member of the Board of Commissioners shall have any interest, direct or indirect, in any contract with the city, during his or her continuance in his or her office.

(B) Any violation of official duty or failure to perform it shall be sufficient cause for the removal of an officer and shall likewise be a breach of his or her official bond whether so expressed therein or not.

('70 Code, § 2.54.010)

§ 31.03 DUTY TO SURRENDER PROPERTY.

Each officer of the city, on the termination of his or her official employment, whether by lapse of time, removal or otherwise, shall immediately deliver to the City Manager, his or her successor or other officer as may be authorized to receive them, all moneys, maps, property and papers, connected with his or her office or in his or her custody belonging to the city.

('70 Code, § 2.54.020)

ELECTED OFFICIALS

§ 31.20 BOARD OF COMMISSIONERS.

The Board of Commissioners shall be comprised of the Mayor and four City Commissioners.

§ 31.21 MAYOR.

The duties of the Mayor shall be as prescribed in KRS 83A.150(3) and (9). The Mayor shall perform all other duties as may be prescribed by law or that may be required of him or her by ordinance or resolution of the Board of Commissioners.

Cross-reference:

Mayor salary rates, see § 37.33

NONELECTED OFFICIALS**§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.**

(A) All nonelected city officers shall be appointed by the Board of Commissioners.

(B) All nonelected city officers may be removed by the Board of Commissioners at will in accordance with KRS 83A.040(9) and 83A.080(2). The Board of Commissioners shall give the removed officer a written statement of the reason(s) for removal, as required under KRS 83A.080.

(C) The following are nonelected city offices:

- (1) City Clerk;
- (2) City Solicitor;
- (3) City Manager;
- (4) City Treasurer;
- (5) Fire Chief; and
- (6) Chief of Police.

Statutory reference:

Nonelected city offices, see KRS 83A.080(1),(2)

§ 31.36 CITY CLERK.

(A) The city hereby establishes the Office of the City Clerk.

(B) The Office of City Clerk may, by ordinance, be combined with any other nonelected city office by inclusion of the title and duties of the office.

(C) The duties and responsibilities of the Clerk shall include, but are not limited to the following:

(1) Maintenance and safekeeping of the permanent records of the city;

(2) Performance of the duties required of the “official custodian” or “custodian,” pursuant to KRS 61.870 through 61.882;

(3) Possession of the seal of the city; and

(4) Performance of all other duties and responsibilities required of the City Clerk by statute or ordinance.

(KRS 83A.085)

§ 31.37 CITY SOLICITOR.

(A) There is hereby established the Office of City Solicitor.

(B) The Board of Commissioners shall appoint the City Solicitor who shall be the general law officer and legal counsel of the city. The Board may remove the City Solicitor at will. He or she shall be an attorney licensed to practice in the commonwealth. He or she shall be chosen solely on the basis of his or her legal qualifications, with special emphasis on actual experience in or knowledge of state municipal and administrative law. The City Solicitor may also engage in the private practice of law and may hold other public or private employment.

(C) The City Solicitor shall have and exercise all powers and duties assigned to him or her by statute, this section and other municipal responsibilities delegated from time to time. He or she shall attend all meetings of the Board of Commissioners, if so requested, shall advise the Board of Commissioners, the City Manager and all other city officers and employees in all legal matters pertaining to their municipal duties or affecting the interests of the city, shall appear for and defend the city in all legal actions and administrative proceedings in which the city is a party or on behalf of the city wherever necessary for protection or enforcement of rights or interests of the city, shall prepare and examine ordinances, resolutions, orders and legal instruments as the Board of Commissioners may direct and generally shall attend to all legal business of the city.

(D) The City Solicitor shall receive compensation as an employee for all services, in accordance with the city’s pay plan. For extraordinary services, the City Solicitor shall be paid reasonable fees commensurate with the amount and value of time devoted thereto, based upon charges made by other attorneys for comparable legal services or may retain outside counsel to represent the city in the matter.

§ 31.38 CITY MANAGER.

(A) The Board of Commissioners shall select and employ the City Manager. He or she shall be selected solely on the basis of his or her executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. His or her compensation shall be fixed by the Board of Commissioners.

(B) The City Manager shall be removable at will by a majority of the Board of Commissioners.

(C) The City Manager shall perform the duties as prescribed in KRS 83A.150(7)(a) through (h).

(D) The City Manager shall be the executive agent of the Mayor and Board of Commissioners. He or she shall be responsible to the Board of Commissioners to perform the following duties:

(1) See that all laws and ordinances are enforced;

(2) Recommend to the Board of Commissioners for appointment all directors or heads of departments, and all subordinate employees of the city, but the Board shall be the appointing authority (he or she may, however, fill vacancies pending the appointment by the Board and may employ personnel for temporary positions);

(3) Attend all regular meetings of the Board of Commissioners, with the right to take part in their discussion (he or she shall be entitled to notice of all special meetings);

(4) Recommend to the Board of Commissioners for adoption the measures as he or she may deem necessary or expedient;

(5) Perform all other duties as may be prescribed by law or that may be required of him or her by ordinance or resolution of the Board of Commissioners.
(‘70 Code, § 2.15.010)

§ 31.39 FIRE CHIEF.

For provisions concerning the Fire Chief, see Chapter 40.

§ 31.40 CHIEF OF POLICE.

For provisions concerning the Chief of Police, see Chapter 40.

CHAPTER 32: BOARD OF COMMISSIONERS

Section

- 32.01 Powers and duties
- 32.02 Salary
- 32.03 Meetings

§ 32.01 POWERS AND DUTIES.

The powers and duties of the Board of Commissioners shall be as prescribed in KRS 83A.150.

§ 32.02 SALARY.

(A) Effective January 1, 1997, each of the four Commissioners of the city shall be paid an annual salary of \$9,600, payable in equal biweekly installments.

(B) Effective July 1, 1995, the yearly cost of living increase applied to the compensation of city employees shall also be applied to the compensation of each Commissioner, subject to the limitation contained in KRS 83A.075.

(‘70 Code, § 2.06.010) (Ord. 34-73, 1973, passed 12-20-73; Am. Ord. 27-74, 1974, passed 7-8-74)

Cross-reference

Mayor and commissioner salary rates, see § 37.33

§ 32.03 MEETINGS.

(A) The Board of Commissioners shall hold work session meetings at the City Hall at 5:00 p.m. prevailing time on the second Monday of each calendar month and a voting meeting is to be held at the City Hall at 5:00 p.m. prevailing time on the fourth Monday of each calendar month, provided that a majority of the Board of Commissioners may vote to reschedule any regularly scheduled meeting to avoid a holiday or to accommodate the attendance of the members of the Commission. This meeting schedule becomes effective March 1, 2013.

(B) Meetings may be cancelled only by a majority of the Board of Commissioners.
(Ord. 5, 2001, passed 5-10-01; Am. Ord. 3, 2003, passed 2-20-03; Am. Ord. 4, 2005, passed 2-3-05; Am. Ord. 4, 2005, passed 2-3-05; Am. Ord. 3, 2009, passed 3-23-09; Am. Ord. 1, 2011, passed 2-14-11; Am. Ord. 16, 2011, passed 10-24-11; Am. Ord. 2, 2013, passed 2-25-13)

CHAPTER 33: [RESERVED]

CHAPTER 34: PUBLIC RECORDS

Section

- 34.01 Public records
- 34.02 Custodian
- 34.03 Office hours
- 34.04 Request for records inspection

§ 34.01 PUBLIC RECORDS.

The Open Records Law, KRS 61.870 to 61.884, is hereby adopted as an ordinance of the City of Frankfort, Kentucky by reference.

§ 34.02 CUSTODIAN.

The City Clerk is the official custodian of the city's public records.
(KRS 83A.085)

§ 34.03 OFFICE HOURS.

The regular office hours and work days of the city are from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

§ 34.04 REQUEST FOR RECORDS INSPECTION.

Any person shall have the right to inspect public records provided that person submits a written request or completes a public records inspection application describing the records to be inspected. Applications may be delivered by hand, mail or facsimile to the appropriate city office. The mailing address for the city is P.O. Box 697, Frankfort, Kentucky 40602-0697.

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CHAPTER 35: TAXATION

Section

- 35.01 County assessment adopted
- 35.02 Due date; payment
- 35.03 Delinquency
- 35.04 Ad valorem taxes on motor vehicles
- 35.05 Disposition of funds
- 35.06 Enforcement of connection of delinquent tax bills

Cross-reference:

Transient Room Tax, see § 36.133

Vacant, unimproved property with accrued liens, see §§ 38.45 et seq.

§ 35.01 COUNTY ASSESSMENT ADOPTED.

(A) Pursuant to the authority granted in KRS 132.285, the city hereby adopts the county assessment for all real and personal property situated within the city as the basis of all ad valorem tax levies ordered or approved by the Board of Commissioners.

(B) The assessment as finally determined for county tax purposes shall serve as the basis for all city levies for the fiscal year commencing after the assessment date.

§ 35.02 DUE DATE; PAYMENT.

(A) All taxes, except ad valorem taxes on motor vehicles, shall become due on December 1.

(B) Any taxpayer who pays his or her city taxes before December 1 after they become due shall be entitled to a 2% discount thereon, and the Finance Director shall allow the discount and give a receipt in full to the taxpayer.

§ 35.03 DELINQUENCY.

(A) All city taxes, except ad valorem taxes on motor vehicles, shall become delinquent on January 1 following their due dates.

(B) Any taxes not paid by the date when they become delinquent shall be subject to a penalty of 10% on the taxes due and unpaid. The delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the city for collection of the delinquent tax bill.

(C) Delinquent taxes shall be collectable under the provisions of the state law relating to the collection of delinquent taxes by cities of the second class.

§ 35.04 AD VALOREM TAXES ON MOTOR VEHICLES.

(A) All ad valorem taxes on motor vehicles shall be collected by the County Clerk in accordance with KRS 134.800.

(B) Ad valorem taxes on motor vehicles shall become due and delinquent as set forth in KRS 134.810 and any taxes not paid by the date when they become delinquent shall be subject to the penalty and interest specified in KRS 134.810.

§ 35.05 DISPOSITION OF FUNDS.

All monies collected from the taxes levied in this chapter shall be paid into the General Fund of the city to be used for the payment of proper expenditures as determined by the Board of Commissioners.

§ 35.06 ENFORCEMENT OF COLLECTION OF DELINQUENT TAX BILLS.

(A) In addition to all other remedies available to the City of Frankfort to enforce the collection of delinquent ad valorem taxes, the Director of the Department of Finance is authorized, with the assistance of the City Attorney, to file in the appropriate court of competent jurisdiction an action to collect any ad valorem tax, penalty, interest and any other charge related thereto or necessary, that is due to the City of Frankfort, including court costs and a reasonable attorneys fee. The Finance Director is to use his best judgment and discretion in bringing such claims for past due ad valorem taxes in the name of the City of Frankfort, Kentucky.

(B) The Director of the City of Frankfort Department of Finance is further authorized, with the assistance of the City Attorney, to file in the appropriate court of competent jurisdiction, and using the procedure authorized by the provisions of KRS 91.484 to 91.527, an action to collect any ad valorem tax, penalty, interest and any other charge related thereto or necessary, that is due to the City of Frankfort, including court costs and a reasonable attorneys fee.
(Ord. 8, 2014, passed 4-21-14)

CHAPTER 36: AUTHORITIES, BOARDS, COMMISSIONS AND DEPARTMENTS

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- 36.016 Creation and membership
- 36.017 Appointment of members; term, compensation and the like
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- 36.023 Hearings; notice and final order
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Frankfort - Administration***Department of Public Works***

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- 36.096 Acquisition of surplus property

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- 36.177 Director of the Sewer Department
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- 36.197 Terms
- 36.198 Purpose, duties and powers; funds
- 36.199 Dissolution of the Authority; distribution of assets

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Cross-reference:

Board of Ethics created, see § 39.16

Police Department and Fire Department, see Chapter 40

GENERAL PROVISIONS

§ 36.001 ADMINISTRATIVE DEPARTMENTS.

For the efficient, orderly and economical administration of the business affairs of the city, the following administrative departments are hereby created:

(A) Department of General Government, which shall include:

- (1) Mayor and Commissioners;
- (2) City Manager;
- (3) City Clerk; and
- (4) City Solicitor.

(B) Department of Finance, which shall include Central Purchasing Division.

(C) Department of Public Works, which shall include:

- (1) Street Department; and
- (2) Refuse disposal.

(D) Department of Parks and Recreation;

(E) Department of Public Safety, which shall include:

- (1) Police Department; and
- (2) Fire Department.

(F) Department of Planning and Building Codes.

(‘70 Code, § 2.03.010) (Ord. 11-64, 1964, passed 5-25-64; Am. Ord. 31-69, 1969, passed 7-29-69)

CODE ENFORCEMENT BOARD

§ 36.015 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE ENFORCEMENT BOARD or ***THE BOARD***. An administrative body created and acting under the authority of KRS 65.8801 to 65.8839.

CODE ENFORCEMENT OFFICER. A city police officer, safety officer, citation officer, county police officer, sheriff, deputy sheriff, university police officer, airport police officer or other public law enforcement officer with the authority to issue a citation and employees of the City Planning and Building Codes Department designated as “code officials,” pursuant to the Property Maintenance Code or the Nuisance Code. These “code officials” hold the following positions within the Planning and Building Codes Department: Director, Senior Staff Planner, Staff Planner, Electrical Inspector, Building Inspector, Code Enforcement Inspector and Codes Compliance Officer.

NUISANCE CODE HEARING BOARD. An administrative body created and acting under the authority of KRS 82.700 to 82.725, and composed of one (1) or more persons appointed by the Mayor of the City of Frankfort, and any hearing officers appointed by the Nuisance Code Hearing Board. Any action of a hearing officer shall be deemed to be the action of the Nuisance Code Hearing Board.

ORDINANCE. An official action of the city, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the Board of Commissioners which embodies all or part of an ordinance.

(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99; Am. Ord. 14, 2013, passed 11-25-13)

§ 36.016 CREATION AND MEMBERSHIP.

(A) There is hereby created, pursuant to KRS 65.8801 to KRS 65.8839, the Code Enforcement Board which shall be composed of five members, all of whom shall be residents of the city for at least one year prior to their appointment, shall reside there throughout their term in office and shall meet all qualifications and requirements imposed by law.

(B) There is hereby created, pursuant to KRS 82.700 to KRS 82.725, the Nuisance Code Hearing Board which shall be composed of five members, all of whom shall be residents of the city for at least one year prior to their appointment, shall reside there throughout their term in office and shall meet all qualifications and requirements imposed by law.

(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99; Am. Ord. 13, 2002, passed 5-23-02; Am. Ord. 14 2013, passed 11-25-13)

§ 36.017 APPOINTMENT OF MEMBERS; TERM, COMPENSATION AND THE LIKE.

(A) Members of the Code Enforcement Board shall be appointed by the Board of Commissioners, and pursuant to KRS 82.700 the members of the Nuisance Code Hearing Board shall be appointed by the Mayor.

(B) (1) The initial appointment to a five member Code Enforcement Board or a five member Nuisance Code Hearing Board shall be as follows:

(a) One member appointed for a term of one year;

(b) One member appointed for a term of two years;

(c) One member appointed for a term of three years; and

(d) Two alternate members for terms of two years each.

(2) The terms of the three regular members heretofore appointed to either Board shall not be affected by Ordinance 13, 2002 Series.

(3) One additional Board member to both Boards shall be appointed for a term of two years and one additional member to both Boards shall be appointed for a term of three years.

(4) All subsequent appointments to either Board shall be for a term of three years.

(C) (1) Any vacancy on the Board of Code Enforcement shall be filled by the Board of Commissioners within 60 days of the vacancy, and any vacancy on the Nuisance Code Hearing Board shall be filled by the Mayor within 60 days of the vacancy.

(2) If the vacancy is not filled within that time period, the remaining Board members shall fill the vacancy on the Board on which they serve.

(D) (1) A member of either Board may be removed from office by the Board of Commissioners for misconduct, inefficiency or willful neglect of duty.

(2) The Board of Commissioners must submit a written statement to the member setting forth the reasons for removal.

(E) All members of both Boards must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

(F) Members of both Boards shall be compensated in the amount of \$50 per meeting.

(G) No member of either Board may hold any elected or non-elected office, paid or unpaid, or any position of employment with the city.

(H) (1) The appointed Board members acting on behalf of the city shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as result of any act made in relation to conducting Board activities. Any suit instituted against a Board member brought about because of an act performed by that Board member in the lawful accomplishment of duties and under the legal authority of the Board on which the member serves shall be defended by the legal representative of the city until the final termination of the proceedings.

(2) The Board member shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this subchapter, the Nuisance Code and the Property Maintenance Code.

(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99; Am. Ord. 13, 2002, passed 5-23-02; Am. Ord. 17, 2008, passed 8-25-0898; Am. Ord. 14, 2013, passed 11-25-13)

§ 36.018 ORGANIZATION OF BOARD; MEETINGS, STAFF AND THE LIKE.

(A) (1) The Code Enforcement Board shall annually elect the Chair from among its members, and the Nuisance Code Hearing Board shall annually elect the Chair from among its members. The Chair of each Board shall be the presiding officer and a full voting member of the Board.

(2) In the absence of the Chair, the remaining members of each Board shall select one of their number to preside in place of the Chair and exercise the powers of the Chair.

(B) The Code Enforcement Board shall hold a regularly scheduled meeting on the fourth Tuesday of each month at 5:00 p.m. in the City Hall Chamber or another place as the Chair may designate. The

Nuisance Code Hearing Board shall hold its regularly scheduled meeting at 5:30 p.m. on the same day and at the same location as the Code Enforcement Board. The meetings other than those regularly scheduled shall be special meetings held in accordance with the requirements of the State Open Meetings Act.

(C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.881(5) and the State Open Meetings Act. All meetings and hearings of the Nuisance Code Hearing Board shall be held in accordance with the requirements of KRS 82.700 to KRS 82.725 and the State Open Meetings Act.

(D) The affirmative vote of a majority of a quorum of either Board shall be necessary for any official action to be taken. A quorum shall consist of three or more members.

(E) Minutes shall be kept for all proceedings of both Boards and the vote of each member on any issue decided by either Board shall be recorded in the minutes of that Board.

(F) The city may provide clerical, administrative and legal staff as reasonably required by either Board for the proper conduct of its duties.

(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99; Am. Ord. 13, 2002, passed 5-23-02; Am. Ord. 14, 2013, passed 11-25-13)

§ 36.019 CONFLICT OF INTEREST.

Any member of the Code Enforcement Board or Nuisance Code Hearing Board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing a quorum.

(Ord. 14, 2013, passed 11-25-13)

§ 36.020 JURISDICTION.

The Code Enforcement Board shall have jurisdiction to issue remedial orders and impose civil fines as a method of enforcing a city ordinance when a violation of the Property Maintenance Code has been classified as a civil offense. The Nuisance Code Hearing Board shall have jurisdiction to issue remedial orders and impose civil fines as a method of enforcing a city ordinance when a violation of the Nuisance Code has been classified as a civil offense.

(Ord. 1, 1999, passed 1-7-99; Am. Ord. 14, 2013, passed 11-25-13)

§ 36.021 POWERS.

The Code Enforcement Board and the Nuisance Code Hearing Board shall have the following powers and duties:

(A) To adopt rules and regulations to govern its operations and the conduct of its hearings;

(B) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction;

(C) To subpoena alleged violators, witnesses and evidence to its hearings (subpoenas issued by the Code Enforcement Board and the Nuisance Code Hearing Board may be served by any code enforcement officer);

(D) To take testimony under oath (the Chair of a Board shall have the authority to administer oaths to witnesses prior to their testimony before the Board on any matter);

(E) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board has jurisdiction to enforce and to enforce its remedial orders by imposition of a civil penalty in an amount not to exceed, per day of noncompliance with the term of the remedial order, the maximum civil penalty prescribed in the ordinance which has been violated;

(F) To impose civil fines, in its discretion, on any person found to have violated an ordinance that the Board has jurisdiction to enforce in amounts which the Board deems appropriate within the range authorized by the ordinance; and

(G) The Code Enforcement Board or the Nuisance Code Hearing Board shall not have the authority to enforce any ordinance as a civil offense if the same conduct that is regulated by the ordinance would also, under provisions of state statutes, constitute either a criminal offense or a moving motor vehicle offense.

(Ord. 14, 2013, passed 11-25-13)

§ 36.022 ENFORCEMENT PROCEEDINGS.

The following requirements shall govern all enforcement proceedings before the Board of Code Enforcement and the Nuisance Code Hearing Board:

(A) Enforcement proceedings before either Board shall only be initiated by the issuance of a citation by a code enforcement officer.

(B) Where a code enforcement officer has reasonable cause to believe, based upon personal observations or investigation, that a person has committed a violation of an ordinance, which the Board

has jurisdiction to enforce, the code enforcement officer shall issue a code citation to that person. However, if the code enforcement officer knows that it is that person's first violation of the ordinance at that address, the officer may, in lieu of immediately issuing a citation, issue a notice of violation allowing the offender a specified period of time to remedy the violation without code citation. If the person fails or refuses to remedy the violation within the specified time, the code enforcement officer shall issue a code citation.

(C) Nothing in this subchapter shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety and welfare or, if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(D) The code citation issued by the code enforcement officer shall contain the following information:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the code citation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the Property Maintenance Code or the Nuisance Code or the number of the ordinance violated;
- (6) The name of the code enforcement officer;
- (7) The civil fine that will be imposed for the violation if the person does not contest the citation;
- (8) The maximum civil fine that may be imposed if the person elects to contest the code citation;
- (9) The procedure for the person to follow in order to pay the civil fine or to contest the code citation; and
- (10) A statement that if the person fails to pay the civil fine set forth in the code citation or contest the code citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board or the Nuisance Code Hearing Board to contest the citation and that the determination that the violation was committed shall be final.

(E) The person to whom the code citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine, as provided herein, or requesting, in writing, a

hearing before the Code Enforcement Board or the Nuisance Code Hearing Board, whichever Board is applicable, to contest the code citation. If the person pays the civil penalty or fails to respond to the code citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final and the Code Enforcement Board or the Nuisance Code Hearing Board, whichever is applicable, shall enter a final order determining that the violation was committed and shall impose the civil fine set forth in the code citation. A copy of the final order shall be served on the person guilty of the violation. (Ord. 1, 1999, passed 1-7-99; Am. Ord. 14, 2013, passed 11-25-13)

§ 36.023 HEARINGS; NOTICE AND FINAL ORDER.

(A) When a hearing has been requested in connection with a violation of the Property Maintenance Code, the Code Enforcement Board shall schedule a hearing. When a hearing has been requested in connection with a violation of the Nuisance Code Hearing Board, the Nuisance Code Hearing Board shall schedule a hearing.

(B) Not less than seven days before the date of the hearing, either board shall notify the requester of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice.

(C) Any person requesting a hearing before a Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the code citation and the determination that a violation was committed shall be final. The Board with jurisdiction shall enter a final order determining the violation was committed and shall impose the civil fine set forth in the code citation. A copy of the final order shall be served upon the person guilty of the violation.

(D) All testimony shall be taken under oath and recorded. Testimony shall be taken from the code enforcement officer, the alleged violator and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) At the hearing before the Board with jurisdiction, the Board shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the code citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the code citation and either imposing a fine up to the maximum authorized by the ordinance or requiring the offender to remedy a continuing violation within a specified time, or both.

(F) Every final order of a Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued and a copy of the order shall be served upon the person named in the code

citation. If the person named in the citation is not present at the time a final order of the Board is issued, the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.

(Ord. 14, 2013, passed 11-25-13)

§ 36.024 APPEALS; FINAL JUDGMENT.

(A) An appeal from any final order of the Code Enforcement Board or the Nuisance Code Hearing Board may be made to the County District Court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The appeal shall be limited to a review of the record created before the Board with jurisdiction.

(B) If no appeal from a final order of the Board with jurisdiction is filed within the time period set in division (A) above, the Board's order shall be deemed final for all purposes.

(Ord. 14, 2013, passed 11-25-13)

§ 36.025 PREPAYMENT OF CIVIL PENALTIES.

A person receiving his or her first citation for an applicable ordinance at a specific address may pay a civil penalty, if uncontested, without appearing before the Board with jurisdiction by paying 50% of the established penalty within seven days of the issuance of the code citation. Civil penalties for subsequent citations of that applicable ordinance for that specific address may be prepaid by paying 75% of the civil penalty prescribed in the ordinance within the seven-day period. Section 36.022 addresses situations arising from persons not paying the civil penalty or persons not requesting a hearing, both within the seven-day period.

(Ord. 14, 2013, passed 11-25-13)

§ 36.026 LIENS, FINES AND THE LIKE.

(A) The city shall possess a lien on property owned by the person found by a final, non-appealable order of the Code Enforcement Board or the Nuisance Code Hearing Board, or by a final judgment of the court, to have committed a violation of a city ordinance for all fines assessed for the violation and for all the charges and fees incurred by the city in connection with the enforcement of the ordinance.

(B) The lien shall be recorded in the Office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.

(C) The lien arising out of an Order of the Code Enforcement Board or an appeal therefrom shall take precedence over all other subsequent liens, except state, county, school board and city taxes, and may be enforced by judicial proceedings.

(D) The lien arising out of an Order of the Nuisance Code Hearing Board or an appeal therefrom shall take precedence over all other liens, except state, county, school board and city taxes, and may be enforced by judicial proceedings.

(E) In addition to the remedy prescribed in division (A) above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(Ord. 1, 1999, passed 1-7-99; Am. Ord. 14, 2013, passed 11-25-13)

DEPARTMENT OF FINANCE

§ 36.050 POSITION OF DIRECTOR CREATED.

(A) There is hereby created the position of Director of the Department of Finance, who shall have general supervision and control over the affairs and work of the Department.

(B) He or she shall be responsible to the Board of Commissioners and the City Manager for the proper execution of all duties assigned by law to the Department and to all the positions in the Department.

(‘70 Code, § 2.21.010)

§ 36.051 SIGNING CHECKS.

The Director of Finance is hereby authorized to sign any and all checks or warrants as they become necessary. The Director of Finance may personally sign the checks or warrants or use an approved stamp authorizing payment. The approved stamp shall be maintained in a secure location. (‘70 Code, § 2.21.020) (Ord. 6, 2006, passed 4-24-06)

DEPARTMENT OF PLANNING AND BUILDING CODES

§ 36.065 PLANNING UNIT.

(A) The city and the county do hereby form a joint planning unit by combining their planning operations into a joint city-county planning program.

(B) The area of jurisdiction of the joint city-county planning operation shall include all of the city and the county.

(‘70 Code, § 2.48.010) (Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 5-89, 1989, passed 2-27-89)

§ 36.066 CREATION; MEMBERSHIP.

(A) (1) The Joint Planning Commission is hereby created which shall be known as the “Frankfort/Franklin Planning Commission.” The city and county shall have equal representation on the Commission, and at least two-thirds of the members shall be citizens who are not elected officials, appointed officials or public employees of the city or county. The Mayor and County Judge-Executive shall appoint the members with the approval of their respective legislative bodies.

(a) The Planning Commission shall consist of a total of 11 members.

(b) The city’s representation shall total five members of which at least four shall be citizen members and one may be a non-citizen member.

(c) The county’s representation shall total five members of which at least four shall be citizen members and one may be a non-citizen member.

(d) The Governor of the Commonwealth, under authority of KRS 100.133(2), shall appoint one person to the Commission who shall serve until replaced.

(e) The term of office shall be four years ending on July 1 of the designated year, and terms of those first appointed shall be staggered so that a proportionate number serve one, two, three

and four years respectively, with later appointments or reappointments continuing the staggered pattern and July 1 date.

(2) The term of office for any person appointed to the Commission and designated as an ex officio or non-citizen member by the responsible legislative body shall serve until the conclusion of their term in office or until replaced by the legislative body.

(3) Vacancies on the Planning Commission shall be filled within 60 days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
(‘70 Code, § 2.48.010)

(B) All members shall be reimbursed for any necessary expenses authorized by the Planning Commission, but only citizen members may be compensated for their meeting time. For official Commission meetings attended during any one month, each citizen member shall be compensated a sum of \$75 per month, with the total compensation for each member in any one year not to exceed \$900 or \$75 per month. (‘70 Code, § 2.48.030)

(C) The Commission shall have the right to receive, hold and spend funds which it may legally receive from any and every source, including applicant fees. As for the proration of city and county contributions, it is agreed that the County Fiscal Court will appropriate one-half and that the Board of Commissioners of the city shall appropriate one-half. Request for contributions must be submitted no later than February 1, and approved by the respective legislative bodies each fiscal year. (‘70 Code, § 2.48.040)

(D) (1) All other details for the Joint Planning Commission operation which are necessary for the establishment and administration of the commission, for the preparation of plans and for the assistance to help implement the plans shall be as described in KRS Chapter 100.

(2) The Planning Commission shall adopt by-laws not inconsistent with KRS Chapter 100, this agreement and ordinances and regulations approved by the Board of Commissioners and the Fiscal Court.
(‘70 Code, § 2.48.050)

(E) The Planning Commission shall have legal advice and guidance through services of an attorney. Employment of legal counsel shall be detailed in a contract subject to the approval of the city and county legislative bodies. Should the Commission’s attorney disqualify himself or herself on any subject matter pending before the Commission, the Commission shall request counsel from either the City Solicitor or

County Attorney. The City Solicitor or County Attorney may act consistent with the request of the Planning Commission or recommend outside counsel. ('70 Code, § 2.48.055)
(Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 5-89, 1989, passed 2-27-89; Am. Ord. 2-93, passed 1-25-93; Am. Ord. 17, 2008, passed 8-25-08)

Statutory reference:

Similar provisions, see KRS 100.133

Vacancies, see KRS 100.147

§ 36.067 BOARD OF ADJUSTMENT.

(A) The Joint Board of Adjustment is hereby created which shall be known as the "City/County Board of Adjustment." The Mayor and the County Judge-Executive shall appoint members with approval of their respective legislative bodies.

(1) The Board of Adjustment shall consist of a total of seven members.

(2) The city's representation shall total three members who shall be citizens, freeholders, taxpayers and legal voters of the city.

(3) The county's representation shall total three members who shall be citizens, freeholders, taxpayers and legal voters of the county.

(4) The Mayor of the city shall appoint one member, who shall be a citizen, freeholder, taxpayer and legal voter of the city. This member shall be chosen from a list of not less than three candidates provided by the Planning Commission and shall not be a member of the Planning Commission.

(5) The term of office of all members shall be four years, ending on July 1 of the designated year. Appointments or reappointments shall be in staggered pattern.
('70 Code, § 2.48.060)

(B) All members shall be compensated for any authorized expenses and compensated for their meeting time. For each official meeting attended, each member shall be paid a sum of a sum of \$50, with the total compensation in any one year not to exceed \$600.
('70 Code, § 2.48.070)

(C) All other details for the Board of Adjustment operation which are necessary for the establishment and administration of the Board shall be as described in KRS Chapter 100, and as may be amended in the future, and the planning and zoning ordinances and regulations not inconsistent herewith. ('70 Code, § 2.48.080) (Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 7-81, 1981, passed 2-9-81; Am. Ord. 5-89, 1989, passed 2-27-89; Am. Ord. 17, 2008, passed 8-25-08)

§ 36.068 AMENDMENT.

This subchapter may be amended, from time to time, by the mutual consent of the Board of Commissioners and the Fiscal Court, with the amended subchapter filed in the County Clerk's Office. ('70 Code, § 2.48.090) (Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 5-89, 1989, passed 2-27-89)

§ 36.069 DIRECTOR OF PLANNING AND BUILDING CODES.

(A) There is hereby created, in the Department of Planning and Building Codes, the position of Director. He or she shall, under the supervision of the City Manager, be authorized and empowered, and it shall be his or her duty to perform all acts and things authorized or required by general laws and ordinances of the city to be performed by the Director of Planning and Building Codes.

(B) He or she shall be responsible for the preparation of all studies, reports and other documents relating to the planning and zoning of land within the city.

(C) He or she shall advise the Planning and Zoning Commission and Board of Adjustments and Appeal. He or she shall attend all of their meetings and enforce their regulations.

(D) He or she shall be responsible for the enforcement of all zoning ordinances of the city.

(E) He or she shall be responsible for the supervision of all inspections, the collection of all fees and enforcement of the provisions of regulations adopted under the city housing, plumbing, building and electrical codes.

(F) He or she shall, monthly, turn all fees collected by the Department over to the City Treasurer, to be deposited in the general fund.

(G) He or she shall submit a monthly report of the activities of the Department of Planning and Building Codes to the Board of Commissioners of the city in the form as the Board may require. ('70 Code, § 2.48.100) (Ord. 14-64, 1964, passed 5-25-64)

DEPARTMENT OF PUBLIC WORKS

§ 36.080 DIRECTOR.

(A) There is hereby created the position of Director of the Department of Public Works, who shall have general supervision of work in the Department and any other duties which may be assigned to him or her.

(B) He or she shall be responsible to the City Manager and the Board of Commissioners for the proper execution of all duties assigned to him or her and the Department.
(‘70 Code, § 2.51.010)

§ 36.081 CITY ENGINEER.

(A) There is hereby created, in the Department of Public Works, the position of City Engineer.

(B) The City Engineer shall be Director of the Department of Public Works and, as such, shall have general supervision over the affairs and work of the Department.

(C) The City Engineer shall be authorized and empowered and it shall be his or her duty, to do and perform all acts and things authorized and required by general laws and/or ordinances of the city, and it shall be his or her duty to supervise and superintend the general condition of all streets and sidewalks and the laying out, construction, maintenance and repair of the same, and to report to the City Manager all encroachments, nuisances and obstructions thereon; to make plans, surveys and estimates and establish the grades as may be necessary from time to time for the construction of streets and sidewalks and for the development of the city; to inspect all work of a public character, involving engineering principals, and the materials used therein, to see that the same conforms to the contracts and specifications therefor, and he or she will report in writing to the City Manager his or her acceptance or rejection of the work; to provide for the orderly and efficient collection and disposal of refuse; and he or she shall perform other duties as may be required of him or her by the Board of Commissioners or by the ordinances.
(‘70 Code, § 2.51.020)

OFFICE OF EMERGENCY MANAGEMENT

§ 36.095 AGENCY CREATED; DIRECTOR.

A local organization for emergency management in the city is hereby established which shall be known as the Office of Emergency Management, which agency shall have all the duties and powers conferred upon the agencies by KRS 39A through 39F, and may operate jointly with any agency for the county. The Mayor is authorized to appoint the Director for the Office of Emergency Management, who may be the same person appointed by the Judge of the County Court for the Agency for the county.
(‘70 Code, § 2.63.010) (Ord. 15-98, 1998, passed 8-6-98; Am. Ord. 13, 2012, passed 7-23-12)

§ 36.096 ACQUISITION OF SURPLUS PROPERTY.

(A) The Director representing the Office of Emergency Management appointed by the Mayor of the City of Frankfort is hereby authorized to sign any documents required by the division of surplus property for the selection and receipt by the Office of Emergency Management of surplus property from the federal government.

(B) A certified copy of this section shall be filed with the State Division of Surplus Property and the same shall remain in full force and effect until revoked by written notice.
(‘70 Code, § 2.63.020) (Ord. 15-98, 1998, passed 8-6-98; Am. Ord. 13, 2012, passed 7-23-12)

TOURIST AND CONVENTION COMMISSION

§ 36.125 CREATED; PURPOSE.

(A) There is hereby created the Joint City and County Tourist and Convention Commission.

(B) The Commission is established for the purpose of promoting convention and tourist activity in the city and county.
(‘70 Code, § 2.67.010) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

§ 36.126 COMPOSITION; QUALIFICATIONS AND APPOINTMENTS.

The Commission shall be composed of seven members who shall serve without compensation, who shall be citizens and voters of the county and who shall be appointed by the Mayor of the city and the County Judge-Executive, jointly, as follows:

(A) Two Commissioners from a list of not less than four names submitted by the Local City Hotel and Motel Association;

(B) One Commissioner from a list of not less than two names submitted by the Local County Hotel and Motel Association;

(C) One Commissioner from a list of not less than two names submitted by the Local Restaurant Association or Associations;

(D) One Commissioner from a list of not less than two names submitted by the Frankfort-Franklin County Chamber of Commerce;

(E) One Commissioner by the Mayor of the city; and

(F) One Commissioner by the County Judge-Executive.

(‘70 Code, § 2.67.020) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

§ 36.127 VACANCIES.

Vacancies shall be filled in the manner that original appointments are made.

(‘70 Code, § 2.67.030) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

§ 36.128 TERMS OF OFFICE.

The Commissioners shall be appointed for terms of three years, provided that, in making the initial appointments, the Mayor and County Judge-Executive shall appoint two Commissioners for a term of three years, two Commissioners for a term of two years, and three Commissioners for a term of one year.

(‘70 Code, § 2.67.040) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

§ 36.129 OFFICERS; CONTRACTED AUTHORITY.

(A) (1) The Commission shall annually elect from its membership the Chairperson, the Secretary and the Treasurer, and may employ personnel and make contracts as are necessary to effectively carry out the purposes of KRS 91A.350, which is adopted as a part hereof by reference.

(2) The contracts may include, but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business.

(B) Contracts of the type enumerated shall be made only with persons, organizations and firms with experience and qualifications for providing promotional services and materials such as advertising firms, Chamber of Commerce, publishers and printers.

(‘70 Code, § 2.67.050) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

§ 36.130 MEETINGS; QUORUM.

(A) The Commission shall meet at least monthly in regular session and may hold other meetings as are necessary to transact its business.

(B) Special meetings may be called by the Chairperson or written call of any two Commissioners.

(C) A majority of the membership of the Commission shall constitute a quorum for transacting business, but a majority vote, in person, of the entire membership of the Commission shall be required to take any official action or to approve any contract.

(‘70 Code, § 2.67.060) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

§ 36.131 ANNUAL AUDIT OF BOOKS; REPORT.

The books of the Commission shall be audited annually by an independent auditor who shall make a report to the Commission, to the organization submitting names from which Commission members are selected, and to the Mayor and the County Judge-Executive.

(‘70 Code, § 2.67.070) (Ord. 17-70, 1970, passed 6-22-70)

§ 36.132 ANNUAL REQUEST FOR FUNDS.

The Commission shall annually, prior to April 1, submit to the Board of Commissioners of the city and the County Fiscal Court, a request for funds for the operation of the Commission for the ensuing year.

(‘70 Code, § 2.67.080) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

§ 36.133 TRANSIENT ROOM TAX.

(A) For the purpose of operation of the Tourist and Convention Commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied a transient room tax of 3%. For the purpose of meeting the operating expenses of a convention center, in accordance with KRS 91A.390, an additional 1% is hereby imposed and levied. The proceeds from the collection of an additional 1% of the transient room tax shall be paid by the city toward the operating expenses of the Civic Center. (‘70 Code, § 2.67.090)

(B) (1) Every person, company, corporation or other like or similar persons, groups or organizations doing business as motor courts, motel courts, motels, hotels, inns or like or similar accommodations businesses in the city or county, depending upon the location of the business or businesses, shall pay quarterly into the city or county treasury, whichever is applicable, for periods ending September 30, December 31, March 31 and June 30 of each year, a transient room tax of 3% of the gross rent for every occupancy of a suite, room or rooms charged and collected by them during the quarterly periods.

(2) The tax shall be due and payable on or before the last day of the month next following the last day of each quarterly period, together with a return on a form furnished by or obtained from the

city's Finance Department or County Treasurer, as applicable, setting forth an aggregate amount of gross rentals charged and collected during the preceding quarter for every occupancy to which the transient room tax applies, together with other pertinent information as the city treasurer may require. ('70 Code, § 2.67.100)

(C) Any tax imposed by this subchapter which shall remain unpaid after it becomes due, as set forth herein, shall have added to it a penalty of 10%, together with interest at the rate of $\frac{1}{2}$ of 1% for each month of delinquency, or fraction thereof, until paid. ('70 Code, § 2.67.110)

(D) The tax imposed by this chapter shall not apply to rentals paid on occupancies of 90 consecutive days or longer. ('70 Code, § 2.67.120)

(E) Any person who shall knowingly file a false or fraudulent return required by division (B) of this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than 30 days, or both such fine and imprisonment. ('70 Code, § 2.67.130)

(F) The tax imposed by this subchapter shall be in addition to other general taxes and the occupational or business license tax. ('70 Code, § 2.67.140)
(Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

PARKS AND RECREATION

§ 36.145 DIRECTOR OF PARKS AND RECREATION.

There is hereby created in the Department of Parks and Recreation the position of Director. He or she shall operate and supervise the public parks and playgrounds, athletic fields and recreation centers and other recreational facilities owned, controlled, leased or loaned to the city.
(‘70 Code, § 2.75.010)

§ 36.146 BOARD; PURPOSE, MEETINGS AND THE LIKE.

(A) There is hereby created a board to be known as the Board of Park Commissioners. ('70 Code, § 2.75.170)

(B) The purpose of the Board is to advise the Board of Commissioners on matters of policy and budget pertaining to the operation and conduct of the recreational facilities in the city. ('70 Code, § 2.75.180)

(C) The Board shall consist of seven members who shall each be citizens, residents, taxpayers and legal voters of the county and at least 18 years of age, one of which shall be an ex officio member, the Director of Parks and Recreation. The Board shall be appointed by the Mayor, subject to the approval of the Board of Commissioners. Term of membership shall be four years commencing on May 1, with the exception of the ex officio member. ('70 Code, § 2.75.190)

(D) The Board shall, annually at its first meeting each year, elect the President to conduct the meetings and select an agenda. The agenda shall be prepared in advance of the meetings and dispersed to each member at least three days before the meeting. The Vice-President shall be elected annually to conduct the meetings in the absence of the President and to see that the minutes are properly recorded

and sent to the Board of Commissioners. The Secretary of the Parks and Recreation Department shall record the minutes and they will be approved at the end of the meeting. Meetings shall be held at least once every two months at the Board's discretion. ('70 Code, § 2.75.200)
(Ord. 6-82, 1982, passed 6-14-82)

URBAN FORESTRY ADVISORY BOARD

§ 36.160 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning

PARK TREES. Trees in individual public parks and all areas owned by the city or to which the public has free access as a park.

PUBLIC TREES. Trees within the public street right-of-way or trees in individual public parks and all areas owned by the city or to which the public has free access as a park.

STREET TREES. Trees within the public street right-of-way.
(‘70 Code, § 2.78.010) (Ord. 8-97, 1997, passed 5-8-97)

§ 36.161 CREATION AND ESTABLISHMENT.

(A) There is hereby created and established the Forestry Advisory Board to the city, which shall consist of seven voting members who shall be appointed by the Mayor, with the approval of the Board of Commissioners, and who shall reside within the city limits of the city. The following characteristics or attributes may serve as guidelines in making appointments to the Board.

(1) Members of the public interested in trees as a major component of the city's environment (these might be members of civic organizations, garden clubs, electric and other utilities, educational groups, corporate groups and the like);

(2) Arborists, ornamental horticulturists, foresters, landscape architects and designers, or those with a technical background in a related field (if available, at least two members of the Board should have a professional background); and

(3) Representatives of the Department of Public Works, Planning and Zoning or other city officials may also serve as ex-officio members at the discretion of the appointing authority.

(B) Terms of office shall be three years and until their successors are appointed, except that the initial terms shall be staggered according to the direction of the appointing authority. The members shall serve without compensation, but all necessary expenses shall be paid by appropriate action of the Board of Commissioners.

(C) The Board shall hold regular quarterly meetings, but may hold additional meetings as it deems necessary.

(D) The Board shall adopt rules of procedure for regular and special meetings. The Board shall annually elect from its voting members the Chairperson and Secretary. A majority of its voting members shall constitute a quorum for the transaction of business. Any member who fails to attend more than three regular meetings within a 12-month period may be replaced for the balance of his or her term by the appointing authority.

(E) The Secretary of the Board shall keep a record of all proceedings, resolutions, findings, determinations and transactions of the Board, which records shall be maintained as a public record.

(F) Vacancies on the Board shall be filled by appointment by the Mayor, subject to approval of the Board of Commissioners.

(G) (1) The duties of the Forestry Advisory Board shall be to assist and advise the Board of Commissioners as follows:

(a) Study problems involving the city's urban forest, determine needs and compose, within one year of the adoption of this subchapter, an urban forest management plan, update the plan annually thereafter, and seek ways to implement needed work;

(b) Develop standards and plans concerning tree planting designs, tree selection, planting, maintenance and removal such as to foster the city's tree population and diversity, protect persons and property against injury, provide for safe and efficient passage of persons, vehicles and utilities through recognized rights-of-way and in public parks;

(c) Advise and consult the city's Public Works Director and the Parks and Recreation Director as relates to trees;

(d) Provide educational opportunities for citizens and assist the community and its officials in disseminating information about protection, maintenance and improvement of the city's tree population;

(e) Plan and coordinate an annual celebration of Arbor Day, in cooperation with local civic organizations, schools and other interested parties;

(f) Propose legislation as may be needed and practicable to pursue any ends for which the Forestry Advisory Board was created; and

(g) Promote the planting and replacement of trees in the city.

(2) For divisions (G)(1)(d) through (g) above, any budget requirements shall be submitted as a request through the city's annual budget process.

(H) The Forestry Advisory Board may undertake and participate in cooperative projects, to include but not be limited to the following:

(1) Develop and recommend tree-planting projects in conjunction with other public and/or private agencies;

(2) Education of the public concerning tree maintenance;

(3) Provide information to developers, builders, contractors and the like, in the selection and protection of naturally-occurring trees, during the development of wooded areas, not to conflict with the landscape ordinance requirements;

(4) Provide advice on securing professional and/or technical services and consultations to the Board of Commissioners; and

(5) Recommend programs to further find ways to recycle leaves, chips, logs and other by-products of tree maintenance.

(I) The Forestry Advisory Board shall compose annually, and present to the Board of Commissioners, a report on work and activities carried out under the provisions of this subchapter. ('70 Code, § 2.78.020) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see § 36.999

§ 36.162 COMPREHENSIVE PLAN.

(A) The Forestry Advisory Board shall prepare for adoption by the Board of Commissioners an urban forest management plan. The city shall thereafter use its best efforts to ensure that activities related to the urban forest are guided by the plan.

(B) The plan shall be updated annually and incorporate the following elements:

(1) A clear, concise and comprehensive statement of policies and objectives for urban forestry management in the city;

(2) An inventory and inspection program to identify planting site opportunities and maintenance requirements of existing trees and other information necessary or usable in the long-range planning or day-to-day planting and maintenance of the city's urban forest;

(3) A map delineating the city into urban forestry management areas and outlining sites with potential planting opportunities, together with a program, schedule and suggested budget for implementing the planting plan design phase; and

(4) A set of standards for the city, and the public for tree selection, planting, maintenance and removal as deemed necessary to carry out the purposes of this subchapter and the urban forest management plan.

('70 Code, § 2.78.030) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see § 36.999

§ 36.163 TREE CARE PRACTICES.

(A) Any person, firm or corporation hired by the city to prune, trim or remove trees on city property shall comply with city tree pruning standards which shall be established by the Forestry Advisory Board. The practice of tree topping is prohibited on all public trees and is strongly discouraged as a practice for private trees. Proper pruning with branch removal at branch or trunk junctures is the best practice for limb removal.

(B) Trees severely damaged by storms, disease or other causes or trees under or near utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Public Works Director.

('70 Code, § 2.78.040) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see § 36.999

§ 36.164 STREET TREE PLANTING.

Citizens may plant trees on the city rights-of-way in accordance with the city's zoning regulations. ('70 Code, § 2.78.050) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see § 36.999

SEWER DEPARTMENT

§ 36.175 DEPARTMENT FUNCTIONS.

All functions of the Municipal Sewer Board shall now be vested in the city and any references thereto contained in any ordinance, order, resolution, regulation or procedure shall be deleted and/or amended to read "City of Frankfort." Existing ordinances referencing the operation of the system shall continue in effect until specifically repealed.

('70 Code, § 2.81.010) (Ord. 18-90, 1990, passed 10-22-90)

§ 36.176 SEWER DEPARTMENT CREATED.

There is hereby created the Sewer Department, which is responsible for the improvement, control, operation and management of the municipal sewer system of the city.

('70 Code, § 2.81.020) (Ord. 18-90, 1990, passed 10-22-90)

§ 36.177 DIRECTOR OF THE SEWER DEPARTMENT.

(A) There is hereby created the position of Director of the Sewer Department, who shall have general supervision of the work in the Department and any other duties which may be assigned to him or her.

(B) He or she shall administer rules and regulations for management and operation of the system as approved by the Board of Commissioners.

(C) He or she shall be responsible to the City Manager and the Board of Commissioners for the proper execution of all duties assigned to him or her and the Department.

§ 36.178 APPLICABILITY.

(A) (1) All employees of the Sewer Department are employees of the city and shall be subject to all ordinances, regulations, policies and procedures applicable to other city personnel.

(2) The employees shall continue at the same salary as received prior to the abolishment of the Municipal Sewer Board, subject to further action of the Board of Commissioners to bring the employees in line with other city employees. Employees performing sewer system duties shall be paid from sewer revenue funds.

(B) Benefits for former Sewer Department personnel shall be in accordance with benefit/policy report recommendations dated October 2, 1990, until further action of the Board of Commissioners. ('70 Code, § 2.81.070) (Ord. 18-90, 1990, passed 10-22-90)

§ 36.179 FUNDS.

(A) Pending further action on the subject by the Board of Commissioners, funds of the Sewer Department shall be maintained separately from the general fund of the city subject to the control of the Director of Finance and in compliance with sewer revenue bond covenants. ('70 Code, § 2.81.080)

(B) All income and revenue derived from the municipal sewer system, including, but not limited to that billed and collected by the Electric and Water Plant Board of the city, shall be accounted for and paid over to the Sewer Department of the city, deposited by it in the bank in the city, which is a member of the Federal Deposit Insurance Corporation, as may be designated by the Department, to the credit of the Department in an account designated as the "Sewer Revenue Fund" and thereafter deposited. ('70 Code, § 2.81.090)
(Ord. 18-90, 1990, passed 10-22-90)

§ 36.180 COMPLIANCE WITH BOND CONTRACTS.

The Department shall perform any and all covenants and agreements contained in any contract or obligation between the city and the holder of any municipal sewer revenue bonds now existing or hereafter created by the city.
(‘70 Code, § 2.81.100) (Ord. 18-90, 1990, passed 10-22-90)

CAPITAL COMMUNITY ECONOMIC/INDUSTRIAL DEVELOPMENT AUTHORITY

§ 36.195 TITLE.

(A) The Authority shall be named the Capital Community Economic/Industrial Development Authority, hereinafter referred to as "the Authority."

(B) ***AUTHORITY*** shall have the same meaning as set forth in KRS 154.50 through 154.310.
(‘70 Code, § 2.99.010) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

§ 36.196 MEMBERS.

The Authority shall consist of six members, with the Mayor to appoint three members and three members to be appointed by the County Judge-Executive.

(‘70 Code, § 2.99.020) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

§ 36.197 TERMS.

(A) The initial term of the Authority members shall be staggered so that one county and one city member are appointed for two years; one county and one city member are appointed for three years; and one county and one city member are appointed for a four year term. The county and city member appointed for the initial four year term and thereafter, as long as this subchapter remains in effect, shall be appointed from a list of six nominations made by the private contributors. Upon the expiration of these staggered terms, the members shall serve for a term of four years, or until his or her successor is appointed and qualified.

(B) The Mayor and County Judge-Executive shall be ex officio, non-voting members of the Authority for coordination between governments.

(1) An Authority member may be replaced by the appointing executive upon a showing by the appointed executive of misconduct of the Authority member or upon conviction of a felony.

(2) The County Judge-Executive and Mayor shall appoint the members and designate the initial term to be served by each on the authority, subject to the foregoing provisions.

(3) (a) The members of the Authority shall elect officers, hold meetings and establish rules and regulations as they deem necessary and proper to carry out the authority’s functions under KRS 154.50-301 through KRS 154.50-346.

(b) The Authority shall adopt by-laws covering such matters as election of officers; hiring of staff; establish the place and time of regular meetings, and the procedure, including notice to the members to be followed for special meetings including compliance with KRS 61.805 through 61.850; and adopting standards of conduct by the Authority members and staff; and setting the operating procedure for handling business inquiries. The by-laws may be adopted or amended at any regular meeting or special meeting by the appropriate vote of two-thirds of the voting members of the authority.

(c) Otherwise, two-thirds of the membership of the authority at a regular or duly noticed special meeting shall be a quorum for the purpose of conducting business.

(4) Should any Authority member become a candidate for public office, his or her position on the authority shall forthwith be deemed vacant.

(5) The Authority through its Chairperson, who shall be elected by the authority members, shall act in a supervisory capacity to the Authority Director.

(6) The role of the Authority shall be to:

- (a) Develop and periodically update a strategic plan for economic development;
- (b) Establish goals and objectives based upon community and professional input;
- (c) Set policy for operations;
- (d) Rent office space;
- (e) Determine the type and frequency of the staff liaison to be mounted between meetings to keep the authority members informed of the progress;
- (f) Assemble advisory committees; and
- (g) Periodically report progress to the appointing authorities.

(7) The Authority Director shall implement the plan and program. He or she shall have the latitude to additionally provide staff support for the County Development Corporation and the Industrial Foundation.

(8) Expenses of the Authority shall be paid by the Authority including cost of office space, equipment, salaries, benefits, health insurance, worker's compensation, industrial surveys, report preparation, audits and the like.

('70 Code, § 2.99.030) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

§ 36.198 PURPOSE, DUTIES AND POWERS; FUNDS.

(A) The Authority shall have the purpose, duties and powers provided in KRS 154.50-301 through KRS 154.50-346.

(B) The Authority shall not incur indebtedness in excess of its approved operating budget without the prior approval of the Board of Commissioners and the County Fiscal Court.

(1) There is hereby created a fund to be known as the Industrial Fund, which shall be used for the purposes of financing and exercising the powers provided for in this subchapter. The Fund shall consist of sums of money as may be hereafter appropriated by the city, the county or other government sources and private contributors; and all of rentals, interest, income, dividends, earnings and monies available from the sale, lease, conveyance or other disposition of any property acquired pursuant to the

powers exercised by the authority under the terms of this subchapter; and other sums as may be provided by ordinance or state statutes or the laws of the country.

(2) The share of the appropriated/contributed funds for the Authority's operating budget shall not exceed \$60,000 each per year for the first five years by the Fiscal Court and Board of Commissioners and shall not be less than \$40,000 per year from the private sector. Private sector contributions shall be nonrefundable. If private sector contributions are less than \$40,000 for any fiscal year period, the Board of Commissioners and the County Fiscal Court may elect to withhold public funding for the following fiscal year. Appropriation for any partial year will be appropriated.

(3) The Authority shall function on a fiscal year basis of July 1 to June 30. However, the first year of operation shall be considered to start upon receipt of the contributed funds and shall continue through the next following June 30.

(4) The Authority shall cause all accounts, records and books concerning the management, operation and disbursement of the Fund and of properties acquired thereby to be accounted for in the manner provided for by KRS 154.50-336. In addition thereto, the appointing authorities shall require an annual audit, the expense of which shall be borne by the authority.

(5) The Authority shall prepare an operating budget for each fiscal year, and shall submit the budget to the Board of Commissioners and County Fiscal Court for approval not less than three months prior to the commencement of the fiscal year.

(6) The Authority shall work affirmatively with the Planning Commission and the city and County Planning Department and shall rely on what the agencies provide in such areas as:

(a) The comprehensive plan;

(b) Zoning designed to identify potential industrial and commercial sites and protect them against types of development that would lessen their attractiveness or their compatibility with surrounding uses; and

(c) Provision of adequate governmental facilities to serve industrial sites.

(7) Unless and until superseded by a more comprehensive occupation tax sharing agreement between the city and county, all occupational taxes received by the city from the Parkside Development after June 30, 2006, and all other occupational taxes received by the city and/or county from new businesses and new industries obtaining business licenses after September 30, 2006, shall be deemed to be generated by the authority's recruitment effort, regardless of where located, shall be shared by the city and county on a 50-50 basis. Such tax sharing, however, shall apply only to new businesses and new industries. Expansions by existing businesses/industries shall not apply. Likewise, governmental expansions or shifts of state governmental office locations between the city and county shall not come under the tax sharing requirement. However, in the event that governmental office locations change due

to annexation by the city or are in a location de-annexed by the city in favor of the county, the city and county shall share the occupational taxes generated from the effected state governmental office on a 50-50 basis. For purposes of this section, "new businesses and new industries" shall be defined as those which, after September 30, 2006:

(a) Are created in the city or county;

(b) Obtain or are required to obtain a business license in the respective jurisdiction because of a move by the business or industry into either the city or county from another jurisdiction; or

(c) Because the location of the business or industry changed jurisdictions due to an annexation, de-annexation or expansion by the city or county.

(8) The Authority shall keep minutes of the meetings including the number of inquiries received and the actions taken. Details of the inquiries together with executive session minutes shall be subject to the confidentiality requirements specified by the clients or prospects, not inconsistent with the State Open Meetings and Open Records laws and copies of minutes and the monthly report of receipts and disbursements shall be furnished to the city and county by the tenth day following the month reported upon.

('70 Code, § 2.99.040) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

§ 36.199 DISSOLUTION OF THE AUTHORITY; DISTRIBUTION OF ASSETS.

(A) By appropriate resolution, the Board of Commissioners or the County Fiscal Court may request forthwith dissolution of the Authority, whereupon all funds, property and other assets held by the Authority shall be divided between the city and the county in the same proportions as the cumulative aggregate contributions of each to the authority, including interest paid on any indebtedness of the Authority.

(B) No dissolution shall be made until all legal obligations of the Authority shall be satisfied and all existing commitments fulfilled.

('70 Code, § 2.99.050) (Ord. 7-95, 1995, passed 6-12-95)

§ 36.999 PENALTY.

Any person who deliberately, recklessly or wantonly mutilates or destroys any tree on public property or violates § 36.163(A) shall be guilty of a misdemeanor, and shall, upon conviction or a plea of guilty, be fined not less than \$10 nor more than \$500.

('70 Code 2.78.060) (Ord. 8-97, 1997, passed 5-8-97)

CHAPTER 37: PERSONNEL; CITY EMPLOYEES

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GENERAL PROVISIONS

§ 37.01 SCOPE.

(A) The purpose of this chapter is to provide a framework of personnel administration that enhances the city's ability to recruit, retain and motivate an efficient and effective workforce, as well as to assure that a high level of service is provided to the city's citizens and visitors. The ordinances and policies governing the city's personnel administration should be based upon sound and accepted human resources principles that recognize the performance and loyalty of the workforce, and that assure decisions are made that comply with all applicable federal and state laws and rules, including equal opportunity for all applicants and employees.

(B) The annual appropriation/budget ordinance, or any amendment or supplemental appropriation ordinance, approved by the Board of Commissioners will set the maximum number of full-time employees for City Government.

(C) Pursuant to KRS 83A.150, §§ 30.02 and 31.38 the Board of Commissioners authorizes the City Manager to administer the sections of this chapter, as well as to adopt policies and procedures that clarify any section of the chapter.

(D) The term of employment of each and all, employees of the city shall be at the pleasure of the Board of Commissioners and no employee provided for in this chapter shall be deemed an officer of the city, except as set forth in § 37.02.

(Ord. 6, 2010, passed 6-28-10)

§ 37.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTIVE SERVICE. Being present for the performance of the duties to which an officer or employee of the city has been assigned.

ALLOCATION. The official determination of the class to which a position in the city service belongs.

APPOINTING AUTHORITY. The City Manager, with the confirmation of the Board of Commissioners or such other officer, board, agency, or commission having the power to make appointments to positions in the city service as established by ordinance or statute.

APPOINTMENT. The designation of a person by due authority, to become an officer or employee in a position, and his induction into employment in that position.

CALENDAR MONTH. From the first day to and including the last day, of any one of the 12 calendar months.

CALENDAR WEEK. Seven consecutive calendar days.

CLASS. A position, or group of positions, having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by the same descriptive title and to which the same scale of compensation can be made to apply with equity.

CLASSIFICATION PLAN. The collection of job classifications utilized to denote all full-time positions.

CONTINUOUS SERVICE. Service shall be considered continuous for an employee except where interrupted for more than 60 days, by resignation, retirement, or discharge for cause. Absence while on approved family medical leave (FMLA), or paid or unpaid Military Leave, shall not be considered as an interruption of service. Resignation in order to immediately accept another position in the city service shall not be considered as an interruption of service.

DEMOTION. A change from a position in one class to a position in a different class having a lower pay grade. A demotion may be involuntary, and based upon job performance, employee conduct, and/or disciplinary action. A demotion may be voluntary, and of mutual benefit to the employee and the city.

DEPARTMENT HEAD. The employee designated by the City Manager to manage and supervise one of the following departments: Finance, Information Technology, Planning and Building Codes, Parks and Recreation, Public Works, Police, Fire and EMS and Sewer.

EMPLOYEE. A person appointed to a position in city government, and who is compensated on a full-time, part-time or seasonal basis.

FULL-TIME EMPLOYMENT. Active service in a position of employment, which is scheduled for work at least 37.5 hours per week, or 40 hours per week, or for fire fighters working on a platoon schedule (24 hours on, followed by 48 hours off).

INITIAL PROBATIONARY PERIOD. The 12-month period following appointment. The Department Head, with the written approval of the City Manager may extend the probationary period an additional six months.

OFFICERS. The Mayor, members of the Board of Commissioners, the City Manager, the City Clerk, the City Solicitor, the Chief of Police and the Chief of the Fire Department.

ORIGINAL APPOINTMENT. Initial appointment of a person to a position in the city service, or appointment after service has been interrupted by resignation, retirement or discharge.

PAID STATUS. Includes time when compensation is received for work performed for employment, and when on authorized leave with pay.

PART-TIME EMPLOYMENT. Active service in a position of employment, which is to be performed less than on a full-time basis. Part-time employment shall not exceed 99 hours worked in any calendar month without the written approval of the City Manager.

PAY PLAN. The city ordinances that determine the classes of positions in the city service and salary schedule for those positions.

PAY RANGE. The minimum and maximum pay rates, together with the intermediate rates, if any, established for a class. The term pay grade means the same.

PLATOON SCHEDULE. A work schedule whereby the employee is scheduled to work 24 hours, followed by 48 hours off the work schedule.

POSITION. Any specific office, employment or job calling for the performance of certain duties, either full time or part time and for the exercise of certain responsibilities by an individual. A position may be either occupied or vacant.

PROMOTION. A change from a position in one pay grade to a different position having a higher maximum rate of pay.

PROMOTIONAL PROBATIONARY PERIOD. The six-month period following promotion. The Department Head, with the written approval of the City Manager may extend the probationary period an additional six months.

PROVISIONAL APPOINTMENT. Appointment of an individual without confirmation by the Board of Commissioners, not to exceed 180 days.

RECLASSIFICATION. A change to a position by assigning the position to a different job classification due to a change in the duties and responsibilities of the position, or to correct an error in the original classification.

REEMPLOYMENT. Return to duty of a person laid off on account of lack of work or lack of funds.

REGULAR STATUS. The status of an employee who has been appointed to a position and successfully completed the initial probationary period.

RESIGNATION. The voluntary termination of employment of an employee.

SALARY SCHEDULE. A chart of salary grades and the minimum, midpoint and maximum salaries payable to employees in a job class assigned to a particular pay grade.

SEASONAL EMPLOYMENT. Active service in a position of employment, which is to be performed on a temporary or seasonal basis. Seasonal employment can be either full-time or part-time, but a seasonal employee may not exceed 1500 hours worked in a calendar year. Also, a seasonal employee shall not work more than nine (9) months in any fiscal year. An employee with a seasonal classification must take a minimum three (3) calendar months off each fiscal year. Seasonal employment does not have to be served in consecutive days or weeks.

TRANSFER. The movement of an employee from a position in one department to another position in the same or different department, with the job classification having the same pay grade.

WORK WEEK. In accordance with the Fair Labor Standards Act (FLSA) for payroll and, overtime calculation purposes the work for the city begins on Tuesday and runs through the following Monday. (Ord. 6, 2010, passed 6-28-10; Am. Ord. 1, 2014, passed 1-27-14; Am. Ord. 5, 2014, passed 3-24-14)

§ 37.03 DUTIES OF DEPARTMENT HEADS AND EMPLOYEES.

(A) Any employee designated as the head of the department shall perform the duties of any position in the department when the position created is vacant, as allowed or limited by applicable statutes or regulations or as specified in this section.

(B) The department head, in consultation with the HR Director, subject to the approval of the City Manager, shall be authorized to set and modify the duties and responsibilities assigned to each position in the department. When an employee or group of employees is absent from work, or positions are vacant, the department head may realign duties and responsibilities to assure the work priorities of the department are performed.

(C) The department heads, subject to the written approval of the City Manager, shall be authorized to set and modify the work schedules for employees in his or her department. In addition to modifying the days, worked and assigned shifts, the recommendation may include flexible schedules and/or modified work weeks (e.g. four-day work week). Any schedule change from the standard city schedule should improve or maintain the level of service provided to the public, and the schedule should not be modified only for the convenience of the employee.
(Ord. 6, 2010, passed 6-28-10)

§ 37.04 CONTRACTS FOR SERVICES.

Any of the duties imposed on any city department by this title may be performed by contract entered into between the city and the person or organization performing the duties. All contracts shall be approved by the Board of Commissioners and shall be paid out of the appropriation made for the operation of the department involved by the annual appropriation ordinance, or any emergency appropriation ordinance.
(Ord. 6, 2010, passed 6-28-10)

§ 37.05 WAGE GARNISHMENTS OR ATTACHMENTS.

The filing of two garnishments or attachments of wages, in connection with two separate debts, of or by or with respect to any city employee may be sufficient cause for disciplinary action, up to and including dismissal, of any city employee who has been a party to any of the aforementioned proceedings. Any action taken regarding this section will be in compliance with related federal and state laws and regulations.
(Ord. 6, 2010, passed 6-28-10)

§ 37.06 TRAVEL EXPENSES OF ELECTED OFFICIALS.

The city shall not pay the travel expenses of the Mayor or a Commissioner attending the National League of Cities Conferences, State Municipal League Conferences or other conventions or meetings following the date of the general election at which the officials have not been re-elected.
(Ord. 6, 2010, passed 6-28-10)

§ 37.07 APPOINTMENTS/PROMOTIONS.

(A) The city shall make every effort to assure that the most qualified, most suitable candidate is selected to fill city job vacancies.

(B) The City Manager is authorized to establish policies and procedures regarding the posting of job vacancies and the filling of vacancies, including any provisions related to fluid positions.

(C) The City Manager may make a provisional appointment to a full-time position. If the appointment is not confirmed by the Board of Commissioners within 180 days the employee shall be terminated.

(Ord. 6, 2010, passed 6-28-10)

INSURANCE AND BENEFITS

§ 37.10 HEALTH, DENTAL, LIFE INSURANCE AND DEFERRED COMPENSATION.

(A) Pursuant to KRS 79.080, the city hereby establishes a program of hospitalization and group health and/or dental insurance benefits for all regular full time city employees and elected officials. The city may choose to self insure these benefits or may purchase insurance products from external vendors and/or providers.

(B) It is the policy of city government to provide group coverage including major medical and dental insurance under the following terms and conditions:

(1) Initial coverage.

(a) Full-time regular employees and elected officials will be enrolled in hospitalization and major medical health insurance on the first day of the next month following 45 days of service after appointment. The employee or elected official must complete and submit appropriate documents to the HR Department in a timely manner in order to enroll or to waive coverage. The City Manager, Human Resources Director and Finance Director are responsible for administering these provisions, negotiating with insurance carriers and/or third party administration vendors; or for purchasing plans or coverage under this section. In addition, the city has the right to structure or change benefits and coverage at any time pursuant to federal state laws and regulations.

(b) Health insurance coverage may require employees and elected officials to make monthly contributions, and the amount may vary depending upon the type of policy/coverage the employee chooses. The amounts of required employee contributions will be set by the city's budget or order. The city reserves the right to modify the amounts for employee contribution by annual budget or by budget amendment.

(c) Single dental insurance for the employees and elected officials may be provided by the city in accordance with any restrictions of the carrier. Employees shall be responsible for any deductible or copay as established with the carrier.

(d) Dental coverage may require employees and elected officials to make monthly contributions, and the amount may vary dependent, upon the type of policy/coverage the employee

chooses. The amount, of required employee contributions will be set by the city's budget or order. The city reserves the right to modify the amounts for employee contribution by annual budget or by budget amendment or order.

(2) Continuation of coverage.

(a) Covered employees and eligible dependents who have participated in the program for at least three months prior to termination may continue coverage after separation under certain terms and conditions set by the carrier and in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) regulations.

(b) Continuation of coverage is dependent on signing of proper notice and prompt payment of premiums in accordance with COBRA requirements.

(C) It is the policy of the city government to provide its employees and qualified retirees with term life insurance as follows. Extent of coverage is defined in annual budget procedures.

(1) Regular full-time employees will be covered as of date of hire.

(2) Coverage will not be available to seasonal, temporary or part-time employees.

(3) Additional coverage is available to qualified employees and retirees up to age 70 at their option and cost.

(4) A qualified retiree is defined as a regular full-time employee who retired after July 1, 1987, and receives retirement benefits from either the Kentucky Retirement Systems/County Employees Retirement System (CERS) or the Police and Firefighters Retirement Fund of the city and a regular full-time employee in good standing at the time of his or her voluntary separation with 20 years of actual city service or one who has attained age 60 and has been employed by the city continuously for the past ten years (time purchased by the employee for retirement purposes shall not be calculated as part of the ten-years' City service requirement for retiree life insurance).

(D) Under the City's deferred compensation plan for all regular full-time employees and elected officials, and in accordance with federal regulations, each employee and elected official may allocate a portion of his or her salary into an account. In addition, the City, may appropriate an amount annually to all regular full-time employees and elected officials to be allocated. The amount may vary based upon an employee's participation level in the City's employee benefits program. Any appropriation by the City may be changed, modified or eliminated through the annual budget process.

(E) By written policy, and within the constraints of the annual City budget, the City may make a contribution to a Flexible Spending Account (FSA), a Health Savings Account (HSA), a Health Reimbursement Account (HRA), or to an employee's individual deferred compensation account if a full-time employee or elected official otherwise eligible to participate in the City hospitalization and group health insurance plan waives coverage under the plan.

(Ord. 6, 2010, passed 6-28-10; Am. Ord. 17, 2011, passed 11-28-11)

§ 37.11 RETIREMENT SYSTEM.

(A) The previous pension plans established for city employees under KRS Chapter 95 were frozen effective August 1, 1988, to participation by those existing employees who were then participating therein and who filed with the city on or before November 1, 1988, a written election to continue participating therein in lieu of participating in CERS.

(B) The City shall continue to fund and manage the former pension plan for the benefit of any employees that elected to continue therein, and for those who are entitled to benefits in that pension plan.

(C) The City elected to participate in CERS effective August 1, 1988. Full-time employees hired after August 1, 1988, who are otherwise eligible to participate in the City pension plan, shall participate in CERS pursuant to the applicable state retirement laws and regulations. Neither part-time, nor seasonal employees are eligible for participation in CERS.

(D) The city adopted the terms and provisions of the CERS.

(E) The City Manager is hereby directed to certify to the Board of Trustees the name of all employees deemed to be working in a hazardous position for purposes of KRS 61.592, and all police officers and firefighters employed after August 1, 1988, shall, if otherwise qualified, be eligible for CERS hazardous position coverage. The City Manager and HR Department are directed to comply with CERS requirements and authorized to report data to CERS as is necessary.
(Ord. 6, 2010, passed 6-28-10)

§ 37.12 HOLIDAY PAY AND HOLIDAY LEAVE.

(A) All regular full-time employees of the City, shall receive their regular compensation for the following legal holidays or for any other day proclaimed as a holiday by the Board of Commissioners during which the public offices of the city will be closed:

- (1) The first day of January, plus one extra day (New Year's Day);
- (2) The third Monday in January (Martin Luther King's Birthday);
- (3) Good Friday, one-half day;
- (4) The last Monday in May (Memorial Day);
- (5) The fourth day of July;
- (6) The first Monday in September (Labor Day);

- (7) Tuesday after the first Monday in November in presidential election years (Election Day);
- (8) The eleventh day of November (Veterans Day);
- (9) The fourth Thursday in November and the following Friday (Thanksgiving);
- (10) The fifth Tuesday following the November election in gubernatorial election years (Inauguration Day); and
- (11) The twenty-fifth day of December, plus one extra day (Christmas).

(B) When any of the above-listed holidays fall on a Saturday, the preceding Friday shall be observed as the holiday, and when any of the above-listed days fall on a Sunday, the following Monday shall be observed as the holiday. When one extra day is mentioned above, the City Manager shall designate the extra day.

(C) Public safety departments or other departments or specific work units may be required to remain open and operational regardless of the holiday schedule. Regular full-time employees in these areas shall accrue Holiday leave to allow equal time off, as opposed to holiday pay as specified in section (A) above. Holiday leave shall accrue in an amount to mirror the amount of Holiday Pay granted to other employees, not to exceed eight hours for an all-day holiday. Normal holiday time accrual, except in the years noted in sections (A)(7) or (10) above is 11 1/2 days or 92 hours annually. Holiday accrual is based on an eight-hour maximum working day and shall accrue as per the holiday schedule set forth in section (A) above. Accrued holiday time should be taken as expediently as possible. Maximum accrual shall be 120 hours. Any holiday leave hours in excess of 120 hours as of December 31 each calendar year shall be lost. Any employee who is separated from the service shall be entitled to pay based on his or her rate of pay at time of separation for any unused portion of holiday time, not to exceed 120 hours, except in disciplinary cases which shall be at the discretion of the Board of Commissioners.

(D) The Human Resources Department shall notify all employees of their accrued holiday leave balance as of January 1 of each calendar year, a summary of which shall be sent to the City Manager by February 1 for the previous calendar year.
(Ord. 6, 2010, passed 6-28-10)

§ 37.13 OVERTIME PAY AND COMPENSATORY LEAVE.

(A) Accrual and usage of compensatory leave and payment of overtime.

(1) All City departments will comply with the overtime and compensatory leave provisions of the Fair Labor Standards Act (FLSA), and all amendments to the Act, and to all state wage and hour laws.

(2) An employee who is directed to, or who requests and is authorized to, work in excess of the scheduled hours of duty shall be granted compensatory leave and/or paid overtime subject to the provisions of the Fair Labor Standards Act, the Kentucky Revised Statutes, this chapter and applicable City policies and procedures. Employees shall seek prior approval of their department head or immediate supervisor whenever practical when it becomes necessary for the employee to work any hours in addition to their assigned work schedule.

(3) Unless specified otherwise elsewhere in City Ordinance, only hours actually worked shall be used for computing paid overtime (at the time and one-half rate) or time and one-half compensatory time.

(4) Work over and above an employee's schedule should be kept to a minimum consistent with maintenance of essential City services. Employees that accrue compensatory time under the provisions of this chapter should make every effort to manage their compensatory balance and keep it at a minimum.

(5) Non-exempt employees of the City, upon approval of the City Manager, that are called out to return to work during periods of emergency shall be paid a minimum of two and one-half hours for reporting back to work. These hours shall be considered as hours worked, and count toward the 40 hours per week specified in section (B). This section only applies in situations where the employee is required to report to a work station or incident site during the periods when he or she is not scheduled to work.

(6) Non-exempt employees who are called to work due to an emergency during a City paid holiday that the employee otherwise would not have been scheduled to work shall receive their normal holiday accrual or holiday pay plus time and a half for the actual time worked on the holiday. If a nonexempt employee is designated to be on call during a city paid holiday and is called to work due to an emergency, the employee shall receive time and a half for the actual time worked on the holiday plus holiday pay or holiday leave, dependent upon normal department practice.

(B) An employee deemed to be "nonexempt" by the provisions of the FLSA shall be compensated for hours worked in excess of 40 per week as provided by divisions (1) through (3).

(1) An employee shall have the option to accumulate compensatory leave at the rate of an hour and one-half for each hour worked in excess of 40 per week in lieu of paid overtime.

(2) The election to receive compensatory leave in lieu of paid overtime shall be in writing on an Overtime Compensation Election Form and shall remain in force for a minimum of six months. The election shall be changed by the submission of a new form. The effective date of a change shall be the first day of the next pay period following receipt of the election.

(3) An employee who does not elect compensatory leave in lieu of paid overtime shall be paid one and one-half times the regular hourly rate of pay for all hours worked in excess of 40 hours per week. Hours worked above the scheduled hours that are not in excess of 40 hours per week shall be compensated at the regular hourly rate.

(C) An employee deemed to be “exempt” under the provisions of the FLSA shall accumulate compensatory time on an hour-for-hour basis for hours worked in excess of the regular work schedule. Employees deemed to be “exempt” are not eligible for Block 50 compensatory time payments specified below. However, upon separation from City employment, such “exempt” employees are eligible to be compensated pursuant to section (H) below.

(D) Compensatory leave shall be accumulated or taken off in one fourth-hour increments.

(E) The maximum amount of compensatory leave that may be carried forward from one pay period to another shall be 240 hours. A “non-exempt” employee that at the end of a pay period has a balance of 240 hours or more of compensatory leave will be paid for 50 hours at the regular hourly rate of pay. The employee’s leave balance shall be reduced accordingly upon payment. An “exempt” employee that has a balance greater than 240 hours would not be compensated, but the balance would be reduced to 240 hours.

(F) An employee who is transferred or otherwise moved from one department of the City to another department shall retain the compensatory leave in the receiving department.

(G) Reductions in compensatory leave balances.

(1) The City may require an employee who has accrued at least 100 hours compensatory leave to use compensatory leave before using vacation leave and shall otherwise allow the use of compensatory leave if it will not unduly disrupt the operations of the department.

(2) The City may require an employee who has accrued more than 150 hours of compensatory leave to take off work using compensatory leave in an amount sufficient to reduce the compensatory leave balance below 100 hours.

(H) Upon separation from City employment, an employee shall be paid for all unused compensatory leave at the greater of his; regular hourly rate of pay, or the average regular rate of pay for the final three years of employment.

(I) Special considerations for employees assigned to work platoon schedules

(1) Platoon schedules, for purposes of this section, are defined as a schedule where the employee is scheduled for a repeating cycle of 24 hours on duty and 48 hours off duty.

(2) Hours worked as part of a time trade, pursuant to 803 KAR 1:063, are only counted toward the 40 hours worked in a week as defined in section (B) for the employee originally scheduled for duty.

(3) Compensatory leave, or other approved leave (e.g. vacation, sick, military and/or holiday) hours taken off in lieu of regularly scheduled hours (48 or 72 hour week) that would have been compensated at the employee’s overtime rate, shall also be paid at the employee’s overtime rate. Hours worked outside of the employee’s regular schedule will only be compensated at the overtime rate when

the employee has actually worked more than 40 hours in the week pursuant to paragraph (A)(3) of this section.

(4) Non-exempt employees assigned to a platoon schedule are not eligible to elect to accrue compensatory leave in lieu of overtime pay pursuant to paragraph (B)(1) of this section. However, if an employee has previously accrued compensatory leave in another position, it may be utilized under the terms of paragraph (I)(3).

(Ord. 6, 2010, passed 6-28-10; Am. Ord. 6, 2014, passed 3-24-14)

§ 37.14 VACATION LEAVE.

(A) Accrual of vacation leave.

(1) Vacation leave will be accrued by eligible employees on the fifteenth day of every month, provided the employee is in a paid status on that date. Neither part-time nor seasonal employees are eligible to accrue vacation leave. Every full-time employee, except police officers and firefighters, shall accrue vacation leave at the following rates:

<i>Continuous Months of City Service</i>	<i>Days/Month</i>	<i>Days/Year</i>
1 -59	1.00	12
60 - 119	1.25	15
120-179	1.50	18
180 +	1.75	21

(2) Hours/month or days/year accrued are not affected by flexible or alternative work schedules. For employees scheduled to work 37.5 hours per week, one day equals 7.5 hours. For employees scheduled to work 40 hours per week, one day equals eight hours.

(3) Vacation leave for Firefighters on platoon schedules shall accrue as follows:

<i>Continuous Mos. of City Service</i>	<i>Hours/Month</i>	<i>Days/Year</i>
1 - 59	8.00	4
60-119	12.00	6
120-179	16.00	8
180+	20.00	10

- (4) Vacation leave for Police Officers shall accrue as follows:

<i>Continuous Mos. of City Service</i>	<i>Hours/Month</i>	<i>Days/Year</i>
1-119	10.00	15
120- 170	12.00	18
180 +	14.00	21

- (B) Retention and use of vacation leave.

(1) Maximum vacation leave credit that may be carried over into any new calendar year shall be not more than 240 hours for employees with less than ten years of City service, not more than 270 hours for those employees with more than ten years of service but less than 20 years, and not more than 300 hours for employees with more than 20 years of City service. Vacation leave in excess of these maximum amounts shall be converted to sick leave at the end of each calendar year.

(2) Vacation leaves shall be approved or scheduled by heads of departments to accord with operating requirements and insofar as practicable with the requests of employees. Employees should provide adequate notice of the need to use vacation leave whenever possible. Vacation leave may be used in quarter hour increments.

(3) Police officer and firefighter vacation leaves shall be scheduled by the Chief of their respective departments in accordance with operating requirements and insofar as practicable, with the requests of employees. Employees should schedule vacations early in the calendar year. Rank and seniority will determine members whose requests take precedence.

(4) Absence on account of sickness, injury or disability in excess of the amount of sick leave an employee has available may at the request of the employee be charged against vacation leave credit.

(5) An employee who is separated from the service shall be entitled to be paid for any unused portion, of his or her accumulated annual vacation leave, except in disciplinary cases. In disciplinary cases, the Board of Commissioners shall determine whether or not the employee is entitled to pay under this section.

(6) An employee who is transferred or otherwise changed from the jurisdiction of one department to another shall be entitled to retain his or her accumulated vacation leave in the employing department of the city.

(7) Upon the death of any employee, his or her estate shall be entitled to the payment for the unused portion of the employee's accumulated vacation leave.

(8) Before an employee may be placed on leave of absence without pay, except for unpaid military leave or absence due to a work-related injury, he or she must have used any accrued vacation leave.

(9) An officer or employee who is absent from duty shall report the reason for such absence to his or her department head immediately on the day of absence where possible and in no case later than noon after the first day of absence. All unauthorized and unreported absence shall be considered absence without leave and deduction of pay shall be made for each period of the absence. The absence may be made the ground for disciplinary action and will serve to interrupt continuous service, as defined in these rules. In addition, failure to make a timely request for vacation leave pursuant to policies and procedures may result in disciplinary action.
(Ord. 6, 2010, passed 6-28-10)

§ 37.15 SICK LEAVE.

(A) Accrual of sick leave.

(1) Sick leave will be accrued by eligible employees on the fifteenth day of every month, provided the employee is in a paid status on that date. Neither part-time nor seasonal employees are eligible to accrue sick leave. Full-time employees shall accrue sick leave at the following rates:

<i>Employee Schedule</i>	<i>Hours/Month</i>
37.5 hours/week	7.50 hours
40 hours/week	8.00 hours
Platoon/56 hours/week	24.00 hours

(B) Retention and use of sick leave.

(1) Unused sick leave shall be cumulative, and retained at the end of each calendar year with no maximum accrual.

(2) An employee that has accrued and maintained a balance of sick leave may use the leave, upon approval of his or her department head, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees, medical appointments, or to assist a sick immediate family member or take the immediate family member to a medical appointment, or for bereavement leave in the case of a death in the immediate family. Sick leave may be used in quarter hour increments.

(3) Any employee fraudulently obtaining or using sick leave, or any department head falsely certifying to sick leave usage for absence from work for reasons not consistent with paragraph (B)(2) may

be subject to disciplinary action. The HR Department shall keep records of sick leave allowance, sick leave taken and balance of sick leave allowance for the individual employees.

(4) An employee who is transferred or otherwise changed from the jurisdiction of one department to another shall be entitled to retain his or her accumulated Sick Leave in the employing department of the city.

(5) An employee who is separated from the service shall not be entitled to pay for any unused portion of his or her accumulated sick leave. If an employee retires, any accrued and unused sick leave may be utilized for service credit under the applicable laws and rules governing the County Employees Retirement System.

(6) An employee desiring to use sick leave shall inform his or her department head or immediate supervisor of the fact and the reason as soon as possible in accordance with § 37.14(B)(9), and failure to do so within a reasonable time may be cause for denial of sick leave with pay for the period of absence. In addition, failure to make a timely request for sick leave pursuant to policies and procedures may result in disciplinary action.

(7) The HR Director or an employee's department head may require periodic medical certificates or other suitable documentation to support any use of sick leave.

(C) Sick leave sharing. The City Manager is authorized to develop and administer a policy that establishes a sick leave sharing program for full-time employees.
(Ord. 6, 2010, passed 6-28-10)

§ 37.16 MILITARY LEAVE.

(A) Regular full-time employees of the city who also are members of the National Guard or any reserve component of the armed forces of the United States will be granted annual military leave up to 15 work days per federal fiscal year pursuant to applicable federal and state laws and regulations. If allowable under the applicable laws, Military Leave earned but not used in a federal fiscal year will roll over one time into the subsequent federal fiscal year.

(B) If an employee is required to miss a shift due to military commitments, the employee shall utilize Military Leave for that shift if it is available. If the employee has exhausted his or her allotment of military leave then the employee may substitute any accrued vacation, compensatory or holiday leave instead.

(C) To qualify for approved military leave, employees are required to file a request to his or her department head no less than two calendar weeks prior to the commencement of the required leave. Failure to comply with this provision will not result in a denial of the request for Military Leave, but may subject the offending employee to disciplinary action for failure to observe an administrative rule.

(D) Wage and benefit continuation, as well as job security while on Military Leave are hereby recognized as provided by applicable federal or state law or regulation.
(Ord. 6, 2010, passed 6-28-10)

§ 37.17 VOTING LEAVE.

All full-time city employees who are registered to vote shall be allowed up to four hours of paid voting leave for the purpose of voting in a city, county, state or national election. The voting leave absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Eligible employees who are permitted or required to work in lieu of taking voting leave shall be allowed to accrue compensatory leave on an hour-for-hour basis.
(Ord. 6, 2010, passed 6-28-10)

§ 37.18 CIVIL LEAVE.

(A) A full-time employee shall be entitled to paid Civil Leave for absence from his or her scheduled working hours for the amount of time necessary to serve as a juror.

(B) Court Leave shall include necessary travel time and compensation received by the employee from the court shall be turned in to the City Finance Department.

(C) When an employee is subpoenaed in private litigation by some party other than the City to testify not in an official capacity, but as an individual, or if the employee or a member of his family is a party to the proceeding, he or she must take Vacation, Compensatory or Holiday Leave, or leave without pay for the period of absence. Since Vacation Leave or other accrued leave is required in these cases, compensation received by the employee from the court is not to be turned in to the City Finance Department.

(D) If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work or may request to use Vacation Leave, Holiday Leave, or Compensatory Leave for the remainder of the missed shift.

(E) An employee shall not be required to report as Civil Leave attendance at a proceeding that is part of his or her normal assigned duties. Compensation received by the employee from the court shall be turned in to the City Finance Department.
(Ord. 6, 2010, passed 6-28-10)

§ 37.19 SPECIAL LEAVE OF ABSENCE: PERSONAL LEAVE.

(A) In addition to other leave as herein provided in this chapter the City Manager, upon the recommendation of a Department Head, may authorize an employee to be absent without pay for personal reasons not to exceed 15 working days in any calendar year.

(B) The Board of Commissioners may authorize a special leave of absence not to exceed 12 months for the following purposes:

(1) For assignment to and attendance at college, university or business school for the purpose of training in subjects related to the work of the employee and which will benefit the employee and the city service;

(2) For urgent personal business requiring employee's attention for an extended period such as settling estates or liquidating a business; and

(3) For purposes other than those listed above that are deemed beneficial to the city service.

(C) Leave of absence without pay shall be deducted when computing service credit, but will not be considered as an interruption of continuous service.

(Ord. 6, 2010, passed 6-28-10)

§ 37.20 UNAUTHORIZED ABSENCE WITHOUT LEAVE.

An officer or employee who is absent from duty shall report the reason to his or her department head immediately on the day of absence where possible. All unauthorized and reported absence shall be considered absence without leave and deduction of pay shall be made for each period of the absence. The absence may be the grounds for disciplinary action and may serve to interrupt continuous service. An employee who has been absent without leave or notice to the supervisor for a period of two working days shall be considered to have resigned the employment, or may be terminated.

(Ord. 6, 2010, passed 6-28-10)

§ 37.21 FIT FOR DUTY LEAVE.

(A) *Accrual of Fit for Duty Leave.*

(1) The Chiefs of the Police and Fire Departments, with the approval of the City Manager, may create policies and procedures to implement and operate in their respective Department, a Fit for Duty program as described in § 40.06 of this code. Employees may accrue Fit for Duty Leave pursuant to the requirements of the Fit for Duty program.

(2) Any leave time that is accrued as a result of the Fit for Duty program will be credited on January 1st following the testing date. (Example: Physical Agility Test given October 2012, Fit for Duty Leave hours will be accrued to the employee's leave account on January 1, 2013.)

(B) Retention and use of Fit for Duty Leave.

(1) All Fit for Duty Leave hours must be used within the calendar year in which it was accrued. (Example: Time accrued on January 1, 2013 must be used by December 31, 2013 or it will be forfeited.)

(2) Fit for Duty Leave shall be approved or scheduled by the Chief of the Department, or his or her designee, consistent with Department operating requirements and, insofar as practicable, with the requests of the employees. Employees should provide adequate advance notice of the request to use Fit for Duty Leave whenever possible. Fit for Duty Leave may be used in quarter hour increments. Employees may use Fit for Duty Leave in lieu of accrued Vacation Leave. Rank, seniority, time of receipt of request and Department needs will determine the order of approval.

(3) Absence on account of sickness, injury or disability in excess of the amount of sick leave an employee has available may, at the request of the employee, be charged against Fit for Duty Leave credit.

(4) An employee who is separated from service shall be entitled to be paid for any unused portion of his or her accumulated/earned Fit for Duty Leave, except in disciplinary cases. In disciplinary cases, the Board of Commissioners shall determine whether or not the employee is entitled to pay under this section.

(5) An employee who is transferred or otherwise changed from jurisdiction of the Police or Fire Department shall be entitled to retain and utilize any Fit for Duty time that the employee has already earned. However, additional Fit for Duty Leave cannot be earned unless the department to which the employee is transferring has adopted a Fit for Duty program. The transferred leave hours must be used in the same calendar year as accrued pursuant to paragraph (1) above.

(6) Upon death of an employee, his or her estate shall be entitled to the payment for the unused portion of the employee's accumulated Fit for Duty Leave.

(7) Before an employee may be placed on leave of absence without pay, except for unpaid military leave or absence due to a work-related injury, he or she must have used any accrued Fit for Duty Leave.

(8) Failure, by an employee, to make a timely request for the use of Fit for Duty Leave pursuant to policies and procedures may result in denial of the request and/or disciplinary action. (Ord. 23, 2012, passed 12-17-12)

SALARIES AND WAGES

§ 37.30 TITLE.

This subchapter shall be known as “The Salary Ordinance.”
(Ord. 6, 2010, passed 6-28-10)

§ 37.31 PAY PLAN; CLASSIFICATION AND COMPENSATION.

(A) The City Manager and Human Resources Director shall administer a system of classification and compensation applicable to all City employees and described in this subchapter. The system should use sound human resources principles. The system will determine the duties, responsibilities and requirements of each job classification by using, factors such as, but not limited to, knowledge, skill, effort, responsibility, accountability, problem solving, discretion, challenge/complexity, and working conditions to ensure pay equity and fairness.

(B) Job class specifications.

(1) Job class specifications shall describe and explain the job duties and responsibilities typically assigned to a position within a particular class.

(2) Class specifications shall indicate the kinds of positions to be allocated to the various job classifications as determined by their characteristics and duties or responsibilities. Characteristics and duties or responsibilities of a job class shall be general statements indicating the level of responsibility and discretion of positions in that job classification. They do not limit or restrict the range of duties and responsibilities that may be assigned or required of an individual in a particular job classification.

(3) Minimum requirements shall be comprehensive statements of the minimum background as to education, experience and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly.

(4) The HR Director shall maintain a master set of all approved class specifications. These specifications shall constitute the official class specifications in the classification plan. The copies of the specification for each job classification shall indicate the date of adoption or the last revision of the specification. Class specifications shall be available for inspection by an employee under reasonable conditions during business hours.

(5) The job class/title to which a position has been allocated shall be used to designate the position in all payroll and other official records and documents. For informal purposes it is permissible to use working titles or other informal titles.

(6) The HR Director, with the approval of the City Manager, may modify the job title or other information included in a job classification, other than the pay grade to more accurately describe job functions that have been or may be assigned to a job class.

(C) Position descriptions. Position descriptions shall be developed and on file for each City employee and/or position. If the duties and responsibilities assigned to a position are to be changed in a material and permanent way, the department head making the recommendation shall submit to the HR Director a revised position description stating the duties and responsibilities to be assigned. If the

changes to the duties would indicate that the position is not classified appropriately, the position may be reclassified to the most appropriate job classification.

(D) Compensation Plan.

(1) Every job classification utilized by the City, and provided for by division (E) shall be assigned to a particular pay grade in the salary schedule authorized in § 37.32.

(2) Pursuant to § 37.01(C) the City Manager, taking into consideration factors (a) through (j) set forth below, is authorized to establish and administer policies and procedures to fairly and effectively administer the provisions of the chapter. In the administration of the pay plan, the word “employee” in these sections includes officers, elected officials and employees, unless a specific section otherwise precludes that reading.

(a) Recognize employees that perform at higher levels, and include recognized merit pay principles as a component of the pay plan.

(b) Recognize and value employee loyalty, performance and longevity and have it as a component of the pay plan.

(c) Recognize that due to periodic economic inflation, it may be necessary to grant cost of living salary adjustments (COLAs) as a component of the pay plan.

(d) Recognize that employees are sometimes required to respond to emergencies outside their regular work schedule, and that it may be appropriate, for the Compensation Policy and Procedure to include provisions for employees required to be on call and to respond in these situations.

(e) Recognize that employees may continue to develop their knowledge, skills and abilities after being hired by obtaining professional licenses or certifications. When those licenses or certifications bring value to the City as well as the employee, the employee’s salary may be adjusted to reflect that added value.

(f) Recognize and reward employees that submit ideas for ways to improve efficiency and/or effectiveness and that are implemented and that save the City money.

(g) Recognize that for particular jobs a shift differential may be appropriate for employees required to work night or weekend shifts.

(h) Recognize that City resources should be utilized in a financially responsible way and within budgetary constraints.

(i) Recognize that compensation policy is a key factor in being able to recruit and retain employees with valuable knowledge, skills and abilities.

(j) Other factors the City Manager determines to be relevant.

(E) The following job classifications and their assigned pay grades are authorized, and this list includes the official job code, official job title and the assigned pay grade.

JOB CLASSIFICATIONS

<i>Job Code</i>	<i>Job Title</i>	<i>Pay Grade</i>
Administrative Job Family		
1001	Office Assistant	67
1003	Administrative Secretary	68
1005	Administrative Specialist	71
1007	Administrative Aide	73
1009	Office Manager	75
1015	Accounting Clerk	68
1017	Accounting Specialist I	70
1019	Accounting Specialist II	73
1021	License Enforcement Officer I	71
1023	License/Tax Enforcement Officer II	73
1025	License Fee Administrator	76
1027	Accounting Manager	85
1029	Purchasing Agent/Deputy Director	88
1031	HR Assistant	73
1035	HR Specialist	75
1037	Payroll Specialist	74
1051	E911 Telecommunicator I	71
1052	E911 Telecommunicator I Assistant TAC	72
1053	E911 Telecommunicator I TAC	73
1054	E911 Telecommunicator II	73

<i>Job Code</i>	<i>Job Title</i>	<i>Pay Grade</i>
1055	E911 Telecommunicator II Assistant TAC	74
1056	E911 Telecommunicator II TAC	75
1057	E911 Mapping Coordinator/Telecommunicator	73
1058	E911 Manager	86
1061	Project Specialist	82
1063	Grants Manager	84
1066	Community Relations and Grant Manager	87
1071	Computer System Technician I	81
1073	Computer System Technician II	82
1074	Network System Administrator	86
1075	GIS Technician	82
1077	GIS Analyst I	84
1078	GIS Analyst II	85
1079	Computer Specialist	90
1080	IT Manager	95
1081	Engineering Tech I	82
1083	Engineering Tech II	84
1085	Staff Engineer	85
1087	Senior Engineer	87
1088	City Clerk	91
1089	City Solicitor/Attorney	104
1090	HR Director	97
1091	Finance Director	114
1092	Planning & Building Codes Director	114
1093	Public Works Director/P.E.	114
1095	Sewer Director/P.E.	114

Personnel; City Employees

<i>Job Code</i>	<i>Job Title</i>	<i>Pay Grade</i>
1096	Parks & Recreation Director	114
1097	Police Chief	114
1098	Fire Chief	114
1099	City Manager	114
Planning and Building Codes Job Family		
2001	Code Enforcement Technician	73
2003	Code Enforcement Inspector I	75
2005	Code Enforcement Inspector II	76
2007	Code Enforcement Suprvr/Bldg Insp	83
2008	Code/Building Inspection Supervisor	84
2011	Building Inspector I	75
2013	Building Inspector II	78
2015	Building Inspector III	80
2021	Electrical Inspector I	79
2023	Electrical Inspector II	81
2031	Staff Planner I	76
2033	Staff Planner II	78
2035	Planning Supervisor	84
Public Works/Sewer Job Family		
3001	Building Maintenance Worker	64
3003	Public Works Tech I	66
3004	Public Works Tech II	67
3005	Public Works Tech III	71
3006	Public Works Tech IV	75
3007	Deputy Director Public Works	90
3011	Mechanic Assistant	69

Frankfort - Administration

<i>Job Code</i>	<i>Job Title</i>	<i>Pay Grade</i>
3012	Mechanic I	73
3013	Mechanic II	75
3014	Mechanic III	77
3015	Transit Dispatcher I	71
3016	Recycle Coordinator	71
3017	Transit Driver	71
3018	Transit Dispatcher II	72
3019	Transit Dispatcher III	73
3020	Sustainability Coordinator	79
3021	Street Foreman	78
3022	Sanitation Foreman	78
3023	Transit Foreman	78
3024	Garage Foreman	78
3025	Building Maintenance Foreman	78
3026	Street Superintendent	85
3027	Sanitation Superintendent	85
3028	Transit Superintendent	85
3029	Fleet Maintenance Superintendent	85
3030	Plant Operator Trainee	66
3031	Plant Operator I	68
3032	Plant Operator II	71
3033	Plant Operator III	74
3034	Plant Operator IV	77
3035	Licensed Electrician	77
3036	Maintenance Tech I	66
3037	Maintenance Tech II	67

<i>Job Code</i>	<i>Job Title</i>	<i>Pay Grade</i>
3038	Maintenance Tech III	71
3039	Maintenance Tech IV	75
3040	Sewer Tech I	66
3041	Sewer Tech II	67
3042	Sewer Tech III	71
3043	Sewer Tech IV	75
3044	Field Inspector I	77
3045	Field Inspector II	80
3046	Electrician Assistant	73
3047	Health, Safety & Training Specialist I	75
3048	Health, Safety & Training Specialist II	80
3051	Lab Tech Trainee	66
3052	Lab Tech I	68
3053	Lab Tech II	71
3054	Lab Tech III	74
3055	Lab Tech IV	77
3056	Pre-Treatment Coordinator/Chemist	85
3060	Pump Maintenance Foreman	78
3061	Pump Maintenance Superintendent	85
3062	Collection Maintenance Foreman	78
3063	Collection Construction Foreman	78
3064	Collection System Superintendent	85
3065	Plant Superintendent	85
3066	Water Quality Engineer	90
3067	Deputy Director Collection System	90

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<i>Job Code</i>	<i>Job Title</i>	<i>Pay Grade</i>
3069	Deputy Director of Operations	90
3075	Electronic Technician I	74
3076	Electronic Technician II	76
Parks/Golf Job Family		
4001	Park/Golf Maintenance Worker	66
4003	Park/Golf Maintenance Specialist	68
4004	Park/Golf Maintenance Spec II	70
4005	Golf Course Superintendent	74
4007	Golf Pro/Supervisor	Set by annual contract
4011	Parks Assistant Curator	72
4013	Parks Curator	76
4021	Parks/Forestry Arborist	72
4031	Parks & Recreation Supervisor	80
4032	Parks & Recreation Deputy Director	85
Public Safety Job Family		
5001	Community Services Specialist	71
5005	Patrol Officer I	75
5007	Patrol Officer II	77
5009	Patrol Officer III	78
5011	Police Sergeant	80
5013	Police Lieutenant/Asst Shift Com	83
5015	Police Captain/Shift Commander	86
5017	Police Major/Division Commander	90
5051	Firefighter I	20

Personnel; City Employees

82A

<i>Job Code</i>	<i>Job Title</i>	<i>Pay Grade</i>
5053	Firefighter/EMT II	22
5055	Firefighter/EMT III	23
5057	Fire Sergeant	24
5059	Fire Lieutenant	28
5061	Fire Captain	30
5063	Fire Battalion Chief	32
5065	Assistant Fire Chief	90
5071	Emergency Preparedness Coordinator and E911 Manager	87
5075	Fire Marshal (Civilian)	85
5076	Fire Training Officer (Civilian)	85
5077	Fire Emergency Medical Services Director (Civilian)	87
5078	Fire Public Education Officer (Civilian)	83

(Ord. 6, 2010, passed 6-28-10; Am. Ord. 2, 2012, passed 4-23-12; Am. Ord. 13, 2013, passed 11-25-13; Am. Ord. 7, 2014, passed 3-24-14; Am. Ord. 11, 2014, passed 6-23-14; Am. Ord. 24, 2014, passed 12-22-14)

§ 37.32 SALARY SCHEDULES; PAY GRADE STRUCTURE.

(A) The Board of Commissioners shall adopt by ordinance a salary schedule applicable for all full-time City employees. The salary schedule should include multiple pay grades. Each pay grade will establish the minimum and maximum salaries to be earned by full-time employees working in a job classification assigned to the specific salary grade.

(B) Any monthly or annual salary rates displayed in the salary schedule are computed based upon full-time service. Salaries for part-time and seasonal employees shall be hourly and set by the HR Director and City Manager.

(C) The pay ranges and pay grades as shown on the attached schedule marked “Salary Schedule Q” and on file with the City is hereby established, and is to be applied to the several classes of positions as indicated in this chapter, except where otherwise shown in this chapter.
(Ord. 6, 2010, passed 6-28-10)

§ 37.33 MAYOR AND COMMISSIONER SALARY RATES.

(A) The Mayor of the city shall be paid an annual salary of \$19,219.98, payable in equal biweekly installments. Effective July 1, 2010, the yearly cost of living increase applied to the compensation of city employees shall also be applied to the compensation of the Mayor, subject to the limitation contained in KRS 83A.075.

(B) Each of the four Commissioners of the City shall be paid an annual salary of \$14,643.20, payable in equal bi-weekly installments. Effective July 1, 2010, the yearly cost of living increase applied to the compensation of City employees shall also be applied to the compensation of each Commissioner, subject to the limitation contained in KRS 83A.075.
(Ord. 6, 2010, passed 6-28-10)

§ 37.34 APPOINTMENT SALARIES; PART-TIME/SEASONAL EMPLOYEE SALARIES.

(A) Upon appointment, starting pay rates for full-time employees will typically be made at the pay grade minimum, but due to labor market conditions, or in the case of a highly qualified candidate, it may be necessary to start a new employee at an in-range pay rate up to the grade midpoint. When a new hire is appointed at a rate greater than the pay grade minimum, it will be necessary to conduct a review to assure the protection of existing full-time employees. If there are regular full-time employees in the same job classification and pay grade making less than the new hire, and the existing employee has a similar level of education and experience, the existing employee’s pay rate shall be adjusted to 5% above the pay rate paid to the new hire. All appointments at hourly rates above the minimum salary must be approved in advance by the City Manager and HR Director.

(B) The City Manager is hereby authorized to establish hourly rates of pay, which may be below the full-time salary structure authorized by § 37.32 for part-time or seasonal positions, where it is determined the full-time salary schedule is not appropriate. Hourly rates for seasonal and part-time employees should be set taking into consideration the annual City budget.
(Ord. 6, 2010, passed 6-28-10)

§ 37.35 ADVANCEMENT AND PAY FOR FIRE FIGHTERS AND POLICE PATROL OFFICERS.

(A) The rank or position of Patrol Officer I is attained upon appointment. Patrol Officer II shall automatically be attained upon satisfactory completion of three years' service at the rank of Patrol Officer I with the City. The rank or position of Patrol Officer III shall automatically be attained upon satisfactory completion of three years service in the rank of Patrol Officer II. The detective salary grade is in accordance with permanent civil service rank.

(B) Order No. 13, 2000 Series, establishes criteria necessary to achieve and maintain the temporary designation of senior and master under a career development program and sets out temporary incentive compensation for program participation.

(C) The title of Firefighter I is attained upon appointment. Emergency Medical Technical (EMT) certification is not required to be appointed to the rank or position of Firefighter I, however it must be attained within 12 months of appointment as Firefighter I.

(D) The rank or position of Firefighter II - EMT shall automatically be attained upon satisfactory completion of 12 months of service as a Firefighter I with the City and certification as EMT. The rank or position of Firefighter III - EMT shall automatically be attained upon satisfactory completion of five years' service in the rank of Firefighter II - EMT with the City. The EMT certification must remain in effect in order for the employee to retain the rank of Firefighter II or III.

(E) With the exception of the Training Officer, Fire and Safety Inspector/Fire Marshal, and Fire Public Education Officer, all sworn personnel of the fire division at the rank of Captain and below are required to attain and retain state EMT certification.

(F) The pay for special appointments in the Fire Department is as follows:

- (1) Fire and Safety Inspector/Fire Marshal: at pay level of rank plus 9%.
- (2) Fire Training Officer: at pay level of rank plus 9%.
- (3) Fire Public Education Officer: at pay level of rank plus 9%.
- (4) Emergency Medical Services Director: at pay level of rank plus 9%.

(G) A firefighter, regardless of rank, who attains and maintains Kentucky licensure as a paramedic and is authorized by the department and its medical director, as eligible, shall be compensated in addition to regular rate for rank or position at the rate of \$4,000 annually. Such employees shall be assigned duty on an ambulance on a continuous rotating basis. Upon attaining the rank of Sergeant or above, or upon special assignment to position noted in division (F) above, he or she shall be required to provide direct patient contact care with documented ALS skills and/or complete monthly educational requirements as established by Fire Department standard operating procedures. A paramedic removed from paramedic status by choice or by not meeting Fire Department or Kentucky requirements shall no longer receive the \$4,000 annual compensation. Pursuant to applicable labor laws or rulings the paramedic stipend shall be taken into consideration when calculating overtime pay.
(Ord. 6, 2010, passed 6-28-10)

§ 37.36 PERFORMANCE PAY.

(A) Every full-time employee shall have his or her job performance evaluated annually by the immediate supervisor and/or the department head. The performance evaluation instrument used in any department must be approved by the City Manager and HR Director.

(B) Performance evaluations shall be completed each year during the months of January and February.

(C) Beginning with performance evaluations completed in January and February 2012, the evaluations may be utilized to determine salary increases for each full-time employee. The city annual budget starting in Fiscal Year 2012-2013 may include funding to allocate to employees in accordance with performance ratings.

(D) Upon recommendation of a department head the City Manager may authorize specific part-time employees to participate in the performance pay plan under this section.

(E) Part-time or seasonal employees that are not participating in performance pay may have their job performance evaluated on a periodic basis.
(Ord. 6, 2010, passed 6-28-10)

§ 37.37 LONGEVITY SALARY ADJUSTMENTS.

Employees are to receive longevity salary adjustments as follows. Longevity for salary adjustment purposes for all full-time employees shall be computed from the date of original employment in a regular full-time budgeted position, unless there has been a break in continuous service as defined in this chapter. When or if there was a break in continuous service, the dates for longevity increases would be based upon the date of rehire. Longevity salary increases may be granted to regular full-time employees upon satisfactory completion of three years of service, and in three year service increments thereafter,

up to the maximum rate of their pay range as set forth in § 37.32. If an employee is issued one or two written reprimands in the three years preceding the effective date of a longevity increase, the employee would only be eligible for the increase if the Department Head justifies the increase and the City Manager approves the request. If the employee has received more than two written reprimands, one or more suspensions, or been involuntarily demoted in the prior three year period then the employee shall not be eligible for the longevity increase. For longevity increases granted after July 1, 2009, the increase will be 1%.

(Ord. 6, 2010, passed 6-28-10; Am. Ord. 10, 2012, passed 6-25-12)

§ 37.38 COST OF LIVING ADJUSTMENTS (COLA).

The city's annual budget may allocate funds to grant an across the board COLA salary adjustment to all full-time employees. These increases would not apply to part-time or seasonal employees unless the budget specifically authorizes the COLA increase for those types of employees.

(Ord. 6, 2010, passed 6-28-10)

§ 37.39 PERSONNEL ACTIONS AND SALARY ADJUSTMENTS.

(A) Through June 30, 2012, upon satisfactory conclusion of the 12-month initial probationary period or the six month promotional probationary period, employees shall receive a 1% increase in salary. If the probationary period is extended, the salary increase date is delayed as well. Effective July 1, 2012 the amount of salary increase will be the same as for other longevity increases as approved in the annual city budget. If the department head chooses to extend the probationary period by up to an additional six months then the salary increase in the section is delayed as well. In the event the employee does not satisfactorily complete his or her initial probationary period, the employee will be separated from City employment. In the event the employee does not satisfactorily complete his or her promotional probationary period, the employee will be reverted back to a lower position, rank or job classification and the salary adjusted accordingly.

(B) When an employee is promoted or reclassified to a job class in a higher pay grade, the employee's salary may be increased by 3% per grade, or to the, higher grade minimum, whichever is greater. When promoted from a non-supervisory position to a supervisory position, the minimum salary increase shall be 5%.

(C) When an employee is demoted on an involuntary basis, the employee's pay shall be reduced 3% for each pay grade reduction.

(D) When an employee is demoted on a voluntary basis, the employee's pay may be reduced 3% for each pay grade reduction. If the City Manager authorizes the employee to retain his or her salary

rate, then the employee is not eligible for a promotional or reclassification increase until the employee moves to a job classification with a pay grade higher than the one from which voluntarily demoted.

(E) When the pay grade assigned to a job classification is increased or decreased, an employee in the job classification may have his or her salary adjusted up or down by up to 3% for each grade changed.

(F) When an employee changes from a platoon schedule to 37.5 hour per week schedule, or vice versa, the hourly rate shall be adjusted accordingly.

(G) When an employee changes from a position with a pay grade designed for platoon employees (Grades 20-35), to a position with a pay grade designed for 37.5 or 40 hour/week employees, any change in the hourly rate would take into consideration the pay grade equivalents identified in the salary schedule/pay grade structure.
(Ord. 6, 2010, passed 6-28-10)

§ 37.40 STEP-UP PAY.

(A) A full-time employee may be assigned by his or her Department Head to serve in a position of higher capacity on a temporary basis, not to exceed twelve months, due to a vacancy in such a higher level position, with the approval of the City Manager and the Human Resources Director. In unusual circumstances, at the completion of the 12 month period the City Manager may renew the assignment for additional 12-month periods as needed.

(B) Employees shall not be eligible for step-up pay for periods of less than 15 consecutive calendar days.

(C) Employees assigned to a higher level position that is 1-5 pay grades higher than his or her regular position shall be entitled to an increase in compensation of 6% in salary for the period of time in such position beginning with the fifteenth day of serving in a higher capacity.

(D) Employees assigned to a higher level position that is six or more pay grades higher than his or her regular position shall be entitled to an increase in compensation of at least 6% in salary for the period of time in such position beginning with the fifteenth day observing in a higher capacity. With the approval of the City Manager and the Human Resources Director the salary increase may be up to 18% above the employee's salary prior to the step-up assignment.
(Ord. 6, 2010, passed 6-28-10)

§ 37.41 EDUCATION COMPENSATION/ASSISTANCE PLAN.

(A) (1) Education Assistance Plan. Each full time, regular, confirmed employee, may receive reimbursement of tuition cost for not more than three job related courses at an accredited college or

university per calendar year, after proof of completion (with C or above for undergraduate and B or above for graduate); if approved prior to enrollment in course by the Department Director and City Manager. Courses must be taken on employee's own time. Tuition reimbursement shall be for no more than the current rate of in-state tuition per credit hour at the University of Kentucky.

(2) This section shall apply to city personnel employed on or after November 1, 1990.

(B) Those individuals employed prior to November 1, 1990 currently participating in the Education, Compensation Plan previously in effect may continue to do so. Employees in this plan may choose at any time during their city tenure to withdraw from the education compensation plan and to participate in the Education Assistance Plan set forth above. An employee selecting this option will terminate all future participation in the Education Compensation Plan.
(Ord. 6, 2010, passed 6-28-10)

§ 37.42 EXCEPTIONS TO PAY PLAN.

In any case where, by reasons of unusual circumstances or labor market conditions, rigid adherence to the normal provisions of the salary ordinance would cause an injustice or inequity, the Board of Commissioners may approve exceptions to those provisions.
(Ord. 6, 2010, passed 6-28-10)

DISCIPLINARY ACTIONS AND ADMINISTRATION

§ 37.50 EMPLOYMENT AT WILL AND DISCIPLINARY ACTIONS.

(A) The term of employment of each and all employees of the City shall be at the pleasure of the Board of Commissioners. For full-time employees, the City Manager is hereby delegated the authority to issue disciplinary decisions, with the exception of dismissal, and for discipline imposed by the City Manager, an employee may appeal the determination to the Board of Commissioners. The Board of Commissioners may grant the request and hear the appeal. For part-time and seasonal employees the City Manager is delegated authority to issue all disciplinary actions including dismissal.

(B) This section is to authorize the City Manager to establish and implement policies and procedures relating to the various types of disciplinary actions. In addition, the department heads may establish and implement policies, guidelines, and/or standard operating procedures that provide additional clarity for how to handle the disciplinary process.

(C) For civil service employees (Fire and Police), any disciplinary actions will be handled taking into consideration both City ordinances and policies and the requirements specified in KRS 95.450 and/or KRS 15.520 and other applicable laws.
(Ord. 6, 2010, passed 6-28-10)

§ 37.51 UNIFORM ALLOWANCE FOR MEMBERS OF POLICE AND FIRE DEPARTMENTS.

(A) Members of Fire and Police Departments will be furnished with the necessary and approved uniforms in the quantity as shall be determined by the respective Chiefs to be consistent with budgetary limits and appearance requirements.

(B) Each sworn uniformed member of the Departments may be allocated a sum not to exceed \$750 annually, and specified in the annual City budget, for approved uniform clothing and uniform related items. Purchases shall be made by the department in an amount not to exceed \$750 per person annually from an approved supplier based on established purchase and accounting procedures. The Police and Fire Chiefs, police department officers assigned to the criminal investigation unit, police officers holding the rank of Division Commander (Major), and fire officers holding the rank of Assistant Chief shall be allocated an amount not to exceed \$750 annually for the purchase of “plain” or street clothing.

(C) Quarterly reports shall be submitted to the City Manager and Director of Finance showing the amount spent per person, balance remaining in each individual’s account and the overall Department totals.

(D) All uniforms and related equipment, with the exception of “plain” or street clothing, furnished by the departments remain the property of the city and are returnable at separation.
(Ord. 6, 2010, passed 6-28-10)

§ 37.52 UNIFORM TO BE WORN ONLY ON DUTY.

No part of the official uniform of the Police or Fire Departments or any divisions thereof bearing any official insignia shall be used or worn by members of the Police or Fire Departments or any divisions thereof except while on official duty, or as authorized by the Chiefs of the Departments.
(Ord. 6, 2010, passed 6-28-10)

§ 37.53 UNIFORMS FOR OTHER PERSONNEL.

Uniforms for all civil service and non-civil service employees which are furnished by the city shall be returned to the respective department head, if requested, upon separation from the city’s service.
(Ord. 6, 2010, passed 6-28-10)

CHAPTER 38: CITY POLICIES

Section

Purchasing; Local Preference

- 38.01 Definitions
- 38.02 Preferences
- 38.03 Application for certification as a local business
- 38.04 Implementation; annual report

E-911 Emergency Telephone Service

- 38.15 Service established
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- 38.30 Rates
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- 38.34 Billing for erroneous calls

Purchase of Vacant, Unimproved Property for Redevelopment

- 38.45 Release of liens in return for conveyance; conditions
- 38.46 Disposition of property

PURCHASING; LOCAL PREFERENCE

§ 38.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVAILABLE LOCALLY. One or more local businesses is capable of furnishing supplies or services in a timely manner, in sufficient quantity and of a quality substantially the same as similar supplies or services available from a non-local business.

CITY. The city, its members and the agencies or departments of the government, but shall not include any other county or constitutional officers or their agencies.

LOCAL BUSINESS. A business which:

- (1) Has an office or place of business located within the city or county;
- (2) Is subject to the occupational license fee imposed by the city or the county and which filed an occupational license fee return in the name of the business for two years immediately preceding the year in which the contract is to be awarded; and/or
- (3) Has been certified as a local business, pursuant to § 38.03.

NON-LOCAL BUSINESS. A business which is not a local business.
(‘70 Code, § 3.20.010) (Ord. 10-98, 1998, passed 4-2-98)

§ 38.02 PREFERENCES.

(A) Regardless of which procurement procedure is used to obtain supplies and services for the city, preferences shall be given to local businesses, as provided in this section.

(1) If it is determined that supplies or services are to be purchased by noncompetitive negotiations, as that term is used in KRS 45A.380, and the supplies or services are available locally, the city shall enter into noncompetitive negotiations with a local business. A non-local business may be awarded a contract through noncompetitive negotiation only if no agreement can be reached with a local business or if the supplies or services required are not available locally.

(2) If supplies or services are purchased in an amount less than the amount specified in KRS 424.260, the supplies or services shall be purchased from a local business unless unavailable or the cost of the supplies or services exceeds by 5% or more the cost quoted by a non-local business.

(3) If supplies or services are to be purchased by competitive sealed bidding, as that term is used in KRS 45A.365, and the supplies or services are available locally, the bid price or cost quoted by each local business shall be reduced by 5% for the purpose of determining the lowest bid price. Nothing in this division shall be deemed to prohibit the awarding of contracts by the city on the basis of evaluated bid price, as that term is defined in KRS 45A.345.

(4) If supplies or services are to be purchased by competitive negotiation, as that term is used in KRS 45A.370, and the supplies or services are available locally, the offer price or cost quoted by each

local business shall be reduced by 5% for the purpose of evaluating which offer is most advantageous to the city. In addition, it shall be considered an advantageous factor that an offeror is a local business.

(B) If a contract is for services, and a bidder or offeror will use subcontractors to perform all or part of the work required under the contract, the bidder or offeror, in order to qualify for the 5% preference under this section, shall not subcontract more than 20% of the work to non-local businesses unless the services are not available locally.

(C) In the event no bids or offers are received from a non-local business on any solicitation or where the supplies or services are not available from a local business, then the preference established herein shall not apply. Preferences shall not be allowed where the supplies or services required are not available locally.

(D) Each invitation for bids or requests for proposals shall state explicitly that preferences shall be afforded local business in accordance with the provisions of this subchapter and shall require a local business to affirmatively request the preference in its bid or offer.
(‘70 Code, § 3.20.020) (Ord. 10-98, 1998, passed 4-2-98)

§ 38.03 APPLICATION FOR CERTIFICATION AS A LOCAL BUSINESS.

(A) No business shall be considered a local business for the purposes of this unless the business shall have qualified with the city’s Purchasing Department as a local business, by making application to the purchasing agent of the city and receiving a local business number. The procedure for application and certification shall be as provided in this section.

(B) The purchasing agent shall prepare an application form for certification as a local business with the form requesting the information and proof as deemed necessary to qualify the applicant under the terms of this subchapter.

(C) A local business shall complete the application form and submit it to the purchasing agent, along with proof of a valid and current business license with either the city or the county occupational license office, prior to the awarding of any contract in which the local business desires to be given a preference.

(D) (1) The Purchasing Agent shall examine the application and if necessary may seek additional information or proof to assure that the business is entitled to the preference. If all is in order, the purchasing agent shall issue the local business a distinctive certification number, which shall be valid until revoked by the purchasing agent, and which, when used on bids and other purchasing documents, shall entitle the business to the preference.

(2) The local business shall be reevaluated annually to ensure that the business is maintaining qualification criteria.
(‘70 Code, § 3.20.030) (Ord. 10-98, 1998, passed 4-2-98)

§ 38.04 IMPLEMENTATION; ANNUAL REPORT.

(A) The Purchasing Agent shall prepare regulations or rules for the purpose of implementing the provisions of this subchapter which shall be submitted to the Board of Commissioners for approval. Unless disapproved by the Board of Commissioners, the regulations or rules shall automatically become effective 30 days after submission.

(B) The Purchasing Agent shall prepare and submit to the Board of Commissioners on an annual basis a report demonstrating the effect and cost of this chapter.
(‘70 Code, § 3.20.040) (Ord. 10-98, 1998, passed 4-2-98)

E-911 EMERGENCY TELEPHONE SERVICE**§ 38.15 SERVICE ESTABLISHED.**

There is hereby established a safety answering service to provide a single telephone number for enhanced emergency services within the city which service shall be known as E-911 and shall be located within the Emergency Dispatch Center hereinafter known as EDC.
(‘70 Code, § 9.52.010) (Ord. 3-91, 1991, passed 1-29-91)

§ 38.16 AGREEMENT.

(A) The Mayor is authorized to enter into an agreement with South Central Bell to provide for the construction, implementation and ongoing maintenance of E-911 within the city. The agreement shall be for a period of five years commencing February 1, 1991, and shall be automatically renewable upon the same terms and conditions unless prior to 30 days of the close of the five-year period either party notifies the other of its intention to modify and/or terminate the agreement.

(B) The agreement shall reflect the installation costs and the current tariffed recurring charges for E-911 service charged during the contract period.
(‘70 Code, § 9.52.020) (Ord. 3-91, 1991, passed 1-29-91)

§ 38.17 E-911 FEE.

There is hereby established a E-911 fee of \$1 per month for each exchange telephone subscriber which is levied as a special tax, license and/or fee to be paid by each exchange telephone subscriber in the city on an individual exchange line basis limited to a maximum of 25 exchange lines per account.
(‘70 Code, § 9.52.030) (Ord. 3-91, 1991, passed 1-29-91; Am. Ord. 13, 2001, passed 7-5-01)

§ 38.18 EXCESS FUNDS.

Any and all excess funds received from collections of the E-911 fees shall be placed into an account which shall be used expressly and solely for the maintenance, management, replacement and purchase of emergency communications equipment, connected to the E-911 system and all interface equipment and/or to offset costs incurred by the operations of the emergency dispatch center due to the staffing requirements of an E-911 system.

(‘70 Code, § 9.52.040) (Ord. 3-91, 1991, passed 1-29-91)

AMBULANCE SERVICE**§ 38.30 RATES.**

The following rates for ambulance service shall apply to ambulance service operated by the city effective July 1, 2007. Thereafter, each of the listed service rates shall be increased by 8% on July 1 of 2008, 2009, 2010, 2011, and 2012.

(A) Basic life support; non-emergency; per patient, per trip: \$656 for response, evaluation and transport. BLS services include those as defined in the National EMS Education and Practice Blueprint. These services include care provided by certified or licensed emergency medical personnel at the EMT-B level where the response is not initiated as an emergency.

(B) Basic life support; emergency; per patient, per trip: \$783 for response, evaluation and transport. BLS emergency services include those as defined in the National EMS Education and Practice Blueprint. These services include care provided by certified or licensed emergency medical personnel at the EMT-B level or higher where the response is initiated as an emergency.

(C) Advanced life support; non-emergency; per patient per trip: \$720 for response, evaluation and transport. ALS services include those as defined in the National EMS Education and Practice Blueprint. These services include assessment and care provided by certified or licensed emergency medical personnel at the Paramedic level where the response is not initiated as an emergency.

(D) Advanced life support; level 1 emergency; per patient, per trip: \$880 for response, evaluation and transport. ALS level 1 emergency services include those as defined in the National EMS Education and Practice Blueprint. These services include assessment by certified or licensed emergency medical personnel at the paramedic level and the furnishing of one or more ALS interventions where the response is initiated as an emergency.

(E) Advanced life support; level 2 emergency; per patient, per trip:

(1) \$1,038 for response, evaluation and transport.

(2) ALS level 2 emergency services include those as defined in the National EMS Education and Practice Blueprint. These services include assessment by certified or licensed emergency medical personnel at the paramedic level and the administration of at least three different medications and/or the provision of one or more of the following ALS procedures:

(a) Manual defibrillation/cardioversion;

(b) Endotracheal intubation;

(c) Central venous line;

(d) Cardiac pacing;

(e) Chest decompression;

(f) Surgical airway; and

(g) Intraosseous line.

(F) Specialty Care Transport (SCT) (per patient, per trip) - \$1,050 for response, evaluation, and transport.

(1) Specialty care services include those as defined in the National EMS Education and Practice Blueprint. Hospital to Hospital transportation of a critically injured or ill beneficiary by a ground ambulance vehicle, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the EMT - Paramedic SCT is necessary when a beneficiary's condition requires ongoing care that must be furnished by one or more health emergency medicine, respiratory care, cardiovascular care, or a paramedic with additional training.

(2) A copy of the National EMS Education and Practice Blueprint is on file in the Office of the City Clerk.

(G) Special procedures:

(1) Vehicle extrication: \$674.

(2) Mileage, per loaded statute mile: \$11.

(3) Oxygen administration: \$31.

(4) Waiting time, after 30 minutes/quarter-hour: \$30. Waiting time must be “medically necessary” and must be documented. Waiting time shall begin at 30 minutes of delay and shall be billed in quarter hour increments. All waiting time requests must be approved in advance by the EMS operations supervisor on duty.

(‘70 Code, § 2.98.010) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94; Am. Ord. 35, 2000, passed 12-11-00; Am. Ord. 10, 2002, passed 3-21-02; Am. Ord. 19, 2007, passed 6-25-07)

§ 38.31 AMBULANCE SERVICE TO COUNTY.

All agreements or contractual arrangements for the Fire Department to provide ambulance service to the unincorporated areas of the county shall be adopted by order of the Board of Commissioners.

(‘70 Code, § 2.98.020) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

§ 38.32 ADMINISTRATIVE AND OPERATIONAL PROCEDURES.

All administrative and operational procedures governing the Fire Department’s ambulance service shall be in accordance with established city policy set forth in “Frankfort Fire Department Standard Operating Procedures, Series 600, Emergency Medical Procedures,” on file in the Office of the Fire Chief and as may be amended from time to time.

(‘70 Code, § 2.98.030) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

§ 38.33 EFFECT OF EXISTING AGREEMENTS, CONTRACTS AND THE LIKE.

Any existing agreements, contracts, orders, letters or procedures in conflict with this subchapter are hereby declared null and void to the extent of any conflict.

(‘70 Code, § 2.98.040) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

§ 38.34 BILLING FOR ERRONEOUS CALLS.

The patient initiated responses which result in refusal of treatment and/or transport shall solicit a letter of information or warning that the call was in violation of KRS 519.040 and can result in confinement in the County Jail up to 12 months and/or a \$100 to \$500 fine. After a letter of notification any future abuse will result in a billing of \$50 for each occurrence, and possibly citation for violation of KRS 519.040.

(‘70 Code, § 2.98.050) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

PURCHASE OF VACANT, UNIMPROVED PROPERTY FOR REDEVELOPMENT**§ 38.45 RELEASE OF LIENS IN RETURN FOR CONVEYANCE; CONDITIONS.**

The City of Frankfort, upon application, may release the City's property maintenance code liens and/or City tax liens that are applicable to a vacant, unimproved lot, upon the City's determination that the property is capable of redevelopment, the property's acceptance by the City is consistent with the general health, safety and welfare of the City, and subject to the owner's compliance with each of the following conditions:

(A) The owner of the vacant, unimproved lot will convey the property to the City in return for the release by the City of its liens against the property;

(B) The vacant, unimproved lot is not subject to any other liens, or, in the alternative, the owner of the property has obtained the lienholder's written agreement to fully and finally release any and all liens filed against the property upon its conveyance to the City; and

(C) The owner of the vacant, unimproved lot provides information to the City establishing that it would pose a financial hardship for the property owner to be required to pay the City's property maintenance code liens, City tax liens or other City liens, including financial hardship previously suffered by the owner in connection with the property.

(Ord. 4, 2012, passed 5-21-12)

Cross-reference:

Abandoned property, see Chapter 100

Property Maintenance Code, see § 150.05

Taxation, see Chapter 35

§ 38.46 DISPOSITION OF PROPERTY.

In order to encourage the redevelopment of the vacant, unimproved lot, within six months of the City obtaining ownership of the vacant, unimproved property, the City will sell the property at public auction or by sealed bid.

(Ord. 4, 2012, passed 5-21-12)

CHAPTER 39: CODE OF ETHICS

Section

Code of Ethics

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CODE OF ETHICS**§ 39.01 TITLE.**

This chapter shall be known and may be cited as the “Code of Ethics.”
(‘70 Code, § 2.100.010) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.02 FINDINGS.

The legislative body of the city finds and declares that:

(A) Public office and employment with the city are public trusts.

(B) The vitality and stability of the government of the city depends upon the public’s confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of a city officer or employee, that confidence is imperiled.

(C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.
(‘70 Code, § 2.100.020) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.03 PURPOSE AND AUTHORITY.

(A) It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

(B) It is the further purpose of this chapter to meet the requirements of KRS 65.003, as enacted by the 1994 State General Assembly.

(C) This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

(D) This chapter is not intended to supplement or repeal the city's personnel policy. Any conflict between the application of the personnel policy and the application of this chapter shall be resolved in favor of the personnel policy, except in those areas specifically addressed as offenses hereunder. ('70 Code, § 2.100.030) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation or any legal entity through which business is conducted for profit.

BOARD OF ETHICS. The city's Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the city's code of ethics.

CANDIDATE. Any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the County Clerk or Secretary of State, or is nominated for office by a political party, or files a declaration of intent to be write-in candidate with the County Clerk or Secretary of State.

CITY. The City of Frankfort, Kentucky.

CITY AGENCY. Any board, commission, authority, nonstock corporation or other entity created, either individually or jointly, by the city, pursuant to ordinance or statute, excepting only the Electric and Water Plant Board of the city.

DEPARTMENT HEAD. Individuals employed by the city as the head of the Sewer Department, Public Works Department, Finance Department, Fire Department, Police Department, Planning and Building Codes Department, Parks and Recreation Department, and other individuals that may be designated as a Department Head by the Board of Commissioners in the future.

EMPLOYEE. For purposes of Chapter 39 of the Code of Ordinances only, any person, whether full-time, part-time, or seasonal who is employed by and paid to provide service to the city. The term **EMPLOYEE** shall not include any contractor or subcontractor or any of their employees.

FAMILY MEMBER. A spouse, parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild, and shall include relatives by the half blood or adoption.

IMMEDIATE FAMILY MEMBER. A spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.

OFFICER. Any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following.

- (1) The Mayor;
- (2) A legislative body member;

(3) The City Clerk;

(4) The City Manager;

(5) Any person who occupies a nonelected office created under KRS 83A.080; and

(6) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.

(‘70 Code, § 2.100.040) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 1, 2013, passed 1-28-13; Am. Ord. 10, 2013, passed 9-23-13)

§ 39.05 STANDARDS OF CONDUCT.

Every officer and employee of the city and every city agency shall comply with the following standards of conduct:

(A) No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction or activity, which is in substantial conflict with the proper discharge of officer’s or employee’s public duties.

(B) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted privileges or advantages for himself or herself or others.

(C) No officer or employee shall intentionally take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city in order to obtain a financial benefit for any of the following:

(1) The officer or employee;

(2) A family member;

(3) An outside employer;

(4) Any business in which the officer or employee or any family member has a financial interest; and/or

(5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other

action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing or on the record, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

(‘70 Code, § 2.100.050) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.06 CONFLICTS OF INTEREST IN CONTRACTS.

The provisions of KRS 61.251 and 61.252 (HB 375) are incorporated herein by reference.

(‘70 Code, § 2.100.060) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.07 RECEIPT OF GIFTS.

No officer or employee of the city or any city agency shall directly, or indirectly through any person or business, solicit or accept any gift of any money whatsoever or gift of any service, loan, travel, entertainment, hospitality or any other form having a fair market value of more than \$50 in any calendar year under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties. This section shall not be construed to prohibit legitimate campaign contributions to candidates for public office, or gifts from family members.

(‘70 Code, § 2.100.070) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 1, 2013, passed 1-28-13)

§ 39.08 USE OF CITY PROPERTY, EQUIPMENT AND PERSONNEL.

No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment or other personal or real property for the private use of any person, unless the use is specifically authorized by a written city policy.

(‘70 Code, § 2.100.080) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.09 MISUSE OF CONFIDENTIAL INFORMATION.

No officer or employee of the city or any city agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential, if it is not the subject to disclosure pursuant to State Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

(‘70 Code, § 2.100.090) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.10 POST-EMPLOYMENT RESTRICTION.

No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one year after the termination of the officer's or employee's service with the city or city agency.

('70 Code, § 2.100.100) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.11 HONORARIA.

(A) No officer or employee of the city or a city agency shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.

(B) Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

('70 Code, § 2.100.110) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.12 FILING REQUIREMENTS.

(A) The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Board of Ethics:

(1) Elected city officials;

(2) Candidates for elected city office; and

(3) Nonelected officers, excluding unpaid officers of city agencies, and Department Heads.

('70 Code, § 2.100.120)

(B) (1) Statements of financial interest shall be filed no later than 4:30 p.m. on February 28 each year, provided that:

(a) An officer or employee newly-appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than 30 days after the date of the appointment.

(2) The Board of Ethics may upon application therefor, grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

(3) In the event there is a material or significant change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than 30 days after becoming aware of the material change, file an amended statement with the Board. ('70 Code, § 2.100.130) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 1, 2013, passed 1-28-13; Am. Ord. 10, 2013, passed 9-23-13)

§ 39.13 FINANCIAL INTEREST; CONTROL AND MAINTENANCE.

(A) The statement of financial interests shall be filed on a form prescribed by the Board of Ethics or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than January 1 of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement. ('70 Code, § 2.100.140)

(B) (1) The Board of Ethics shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Board of Ethics, or the administrative official designated by the Board of Ethics as the "custodian," of public documents, available for public inspection immediately upon filing.

(2) A statement of financial interests shall be retained by the Board, or the designated administrative official, for a period of five years after filing, provided that:

(a) Upon the expiration of three years after a person ceases to be an officer or employee of the city or a city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(b) Upon the expiration of three years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person. ('70 Code, § 2.100.150)

(C) (1) The statement of financial interests shall include the following information for the preceding calendar year.

(a) The name, current business address, business telephone number and home address of the filer;

- (b) The title of the filer's office, office sought or position of employment;
- (c) The occupation of the filer and the filer's spouse;
- (d) Information that identifies each source of income of the filer and the filer's immediate family members exceeding \$5,000 during the preceding calendar year and the nature of the income;
- (e) The name and address of any business located within the state in which the filer or any member of the filer's immediate family had at anytime during the preceding calendar year an interest of \$10,000 at fair market value or 5% ownership interest or more;
- (f) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of \$10,000 at fair market value or 5% ownership interest or more;
- (g) A designation as commercial, residential or rural, and the location of all real property within the county, other than the filer's primary residence, in which the filer or any member of the filer's immediate family had during the preceding calendar year an interest of \$10,000 or more at fair market value;
- (h) Each source by name and address of gifts or honoraria having an aggregate fair market value of \$100 or more from any single source, excluding gifts received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year; and
- (i) The name and address of any creditor owed more than \$10,000, except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family or household purposes.

(2) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

('70 Code, § 2.100.160) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.14 NONCOMPLIANCE WITH FILING REQUIREMENT.

The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The

notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

(‘70 Code, § 2.100.170) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.15 NEPOTISM.

(A) No officer or employee of the city or a city agency shall advocate, recommend or cause the:

- (1) Employment;
- (2) Appointment;
- (3) Promotion;
- (4) Transfer; or

(5) Advancement of a family member of an elected officer to an office or position of employment with the city or a city agency.

(B) No officer or employee of the city or a city agency shall supervise or manage the work of a family member who works for the city.

(C) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to January 1, 1995.

(‘70 Code, § 2.100.180) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 9, 2000, passed 2-28-00)

§ 39.16 BOARD OF ETHICS CREATED.

(A) (1) There is hereby created the Board of Ethics which shall have the authorities, duties and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(2) The Board of Ethics shall consist of five members who shall be appointed by the Mayor, subject to the approval of the Board of Commissioners. All terms of office shall begin January 1 and

end December 31. No member of the Board of Ethics shall hold any elected or appointed office or be a candidate for such office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a term of three years; except that with respect to the members initially appointed, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. Thereafter, all appointments shall be for a term of three years. Each member of the Board of Ethics shall have been a resident of the city for at least one year prior to the date of the appointment and shall reside in the city throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for not to exceed two consecutive terms.

(3) A member of the Board of Ethics may be removed by the executive authority, subject to the approval of the legislative body for misconduct, inability or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body.

(4) Vacancies on the Board of Ethics shall be filled within 30 days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled by the executive authority within 30 days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(5) Members of the Board of Ethics shall serve without compensation unless otherwise approved by the legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(6) The Board of Ethics shall, upon the initial appointment of its members, and annually thereafter, elect the Chairperson from among the membership. The Chairperson shall be the presiding officer and a full voting member of the Board.

(7) Meetings of the Board of Ethics shall be held, as necessary, but not less than once a year, upon the call of the Chairperson or at the written request of a majority of the members.

(8) The presence of three or more members shall constitute a quorum and the affirmative vote of two or more members in person shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter and shall not be counted for purposes of establishing a quorum.

(9) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.
(‘70 Code, § 2.100.190)

(B) Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff needed for the conduct of its business, and the Board of Ethics may contract with an attorney to represent it on an as-needed basis. The Board of Ethics' budget shall be in the City Manager's budget. ('70 Code, § 2.100.200)

(C) The Board shall have the duty:

(1) To initiate an investigation on its own motion, receive and investigate complaints, hold hearings and make findings of fact and determination with regard to alleged violations of the provisions of this chapter;

(2) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oath;

(3) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board;

(4) To refer any information concerning violations of this chapter to the executive authority of the city, the city legislative body, the governing body of any city agency, the County Attorney or other appropriate person or body, as necessary;

(5) To render advisory opinions to city and city agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this chapter;

(6) To enforce the provisions of this chapter with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders and imposing civil penalties authorized by this chapter;

(7) To control and maintain all statements of financial interests that are required to be filed by this chapter and to insure that the statements are available for public inspection in accordance with the requirements of this chapter and the State Open Records Act;

(8) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the city; and

(9) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this chapter, provided that the rules, regulations and actions are not in conflict with the provisions of this chapter or any state or federal law.

('70 Code, § 2.100.210) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 1, 2013, passed 1-28-13)

§ 39.17 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this chapter shall be submitted to the City Clerk's office or the Chair of the Board of Ethics, or an administrative official designated by the Board of Ethics and the receipt of the complaint shall immediately be logged in with City Clerk's office and communicated to the Board of Ethics. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within ten working days from the date of receipt. The Board shall forward, within ten working days and to each officer or employee of the city or city agency who is the subject of the complaint, a copy of the complaint and a general statement of the applicable provisions of this chapter.

(B) Within 30 days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, to examine and cross examine witnesses, and to offer evidence in response to the allegations.

(C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:

(1) The Board may turn over to the Commonwealth Attorney or County Attorney evidence which may be used in criminal proceedings.

(2) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the Board may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued to either party.

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this chapter. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:

(1) Due to mitigating circumstances such as, lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city and its taxpayers, or lack of significant impact on public confidence in city government issue, in writing, a reprimand to the officer or employee concerning the alleged violation and provide a copy of the reprimand to the executive authority and governing body of the city or city agency; and/or

(2) Initiate a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

(‘70 Code, § 2.100.220) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 1, 2013, passed 1-28-13)

§ 39.18 HEARINGS; NOTICE AND PROCEDURE.

(A) If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within 30 days of the date the order is issued unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within 24 hours of the time the order setting a hearing is issued. (‘70 Code, § 2.100.230)

(B) (1) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics. The hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.

(2) Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and records obtained or prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

(3) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence and to be represented by counsel. All witnesses shall have the right to be represented by counsel.

(4) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention for incorporation into the record of the proceeding.

(5) All hearings of the Board of Ethics shall be public unless the members vote to go into executive session, in accordance with KRS 61.810.

(6) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this chapter has been proven. Within 30 days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

(7) If the Board concludes in its report that no violation of this chapter has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.

(8) If the Board concludes in its report that in consideration of the evidence produced at any hearing there is clear and convincing proof of a violation of this chapter, the Board may:

(a) Issue an order requiring the violator to cease and desist the violation;

(b) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the Board of Commissioners of the city or city agency with which the violator serves;

(c) In writing, recommend to the Board of Commissioners that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal or removal from office;

(d) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000;
and

(e) Refer evidence of criminal violations of this chapter or state laws to the County Attorney or Commonwealth Attorney of the jurisdiction for prosecution.
(‘70 Code, § 2.100.240) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.19 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the circuit court of the county within 30 days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing. No additional evidence shall be considered on appeal.
(‘70 Code, § 2.100.250) (Ord. 23-94, 1994, passed 12-22-94)

§ 39.20 LIMITATION OF ACTIONS.

Except when the period of limitation is otherwise established by state law, an action for a violation of this chapter must be brought within one year after the Complainant became aware of the violation.
(‘70 Code, § 2.100.260) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 1, 2013, passed 1-28-13)

§ 39.21 ADVISORY OPINIONS.

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee of the city or a city agency who is covered by this chapter.

(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. Requests for advisory opinions, and advisory opinions shall be public documents, unless otherwise provided by the State Open Records Act set forth in KRS 61.810 *et seq.* If requested in writing by the person seeking the advisory opinion, the person's name shall not be released.

(C) (1) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered.

(2) However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(D) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this chapter for actions taken in reliance on that opinion.

(‘70 Code, § 2.100.270) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 1, 2013, passed 1-28-13)

§ 39.22 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS.

(A) No officer or employee of the city or any city agency shall be subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce or discriminate against any person who in good faith reports, discloses, divulges or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city or the commonwealth any facts or information relative to an actual or suspected violation of this chapter.

(B) This section shall not be construed as prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:

(1) To be false or which he or she discloses with reckless disregard for its truth or falsity.

(2) To be exempt from required disclosure under the provisions of the State Open Records Act, KRS 61.870 to 61.884.

(‘70 Code, § 2.100.280) (Ord. 23-94, 1994, passed 12-22-94)

PROTECTIONS FOR EMPLOYEES REPORTING WRONGDOING**§ 39.25 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMPLOYEE. A person employed by the City of Frankfort.

CITY OF FRANKFORT. The City of Frankfort and any person authorized to act on behalf of the City of Frankfort, with respect to formulation of policy or the supervision, in a managerial capacity, of subordinate employees.

(Ord. 24, 2012, passed 12-17-12)

§ 39.26 REPRISAL AGAINST PUBLIC EMPLOYEE FOR DISCLOSURE OF VIOLATIONS OF LAW PROHIBITED; CONSTRUCTION OF ORDINANCE.

(A) The City of Frankfort shall not subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the City of Frankfort, any law enforcement agency or any other appropriate body or authority, any facts or information relative to an actual or suspected violation of any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or the City of Frankfort, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety. The City of Frankfort shall not require any employee to give notice prior to making such a report, disclosure, or divulgence.

(B) The City of Frankfort shall not subject to reprisal or discriminate against, or use any official authority or influence to cause reprisal or discrimination by others against, any person who supports, aids, or substantiates any employee who makes public any wrongdoing set forth in subsection (A) of this section.

(C) This section shall not be construed as:

(1) Prohibiting the City of Frankfort from requiring that an employee inform it of an official request made to an agency for information, or the substance of testimony made, or to be made, by the employee concerning his or her employment with the City of Frankfort;

(2) Permitting the employee to leave his or her assigned work area during normal work hours without following applicable law, administrative regulations, rules, or policies pertaining to leave;

(3) Authorizing an employee to represent his or her personal opinions as the opinions of his or her employer; or

(4) Prohibiting disciplinary or punitive action if an employee discloses information which he or she knows:

(a) To be false or which he or she discloses with reckless disregard for its truth or falsity;

(b) To be exempt from required disclosure under the provisions of KRS 61.870 to 61.884; or

(c) Is confidential under any other provision of law.
(Ord. 24, 2012, passed 12-17-12)

§ 39.27 DEFINITIONS OF “DISCLOSURE” AND “CONTRIBUTING FACTOR;” CIVIL ACTION BY EMPLOYEE AUTHORIZED; EVIDENCE.

(A) As used in this section, unless the context otherwise requires:

(1) **DISCLOSURE** means a person acting on his own behalf, or on behalf of another, who reported or is about to report, either verbally or in writing, any matter set forth in § 39.26.

(2) **CONTRIBUTING FACTOR** means any factor which, alone or in connection with other factors, tends to affect in any way the outcome of a decision. It shall be presumed there existed a **CONTRIBUTING FACTOR** if the official taking the action knew or had constructive knowledge of the disclosure and acted within a limited period of time so that a reasonable person would conclude the disclosure was a factor in the personnel action.

(B) Notwithstanding the remedies granted by other provisions of the City of Frankfort Code of Ordinances, employees alleging a violation of § 39.26 may bring a civil action for appropriate injunctive relief or damages, or both, within 90 days after the occurrence of the alleged violation. The action shall be filed in the Franklin Circuit Court.

(C) Employees filing court actions under the provisions of subsection (B) of this section shall show by a preponderance of evidence that the disclosure was a contributing factor in the personnel action. Once a prima facie case of reprisal has been established and disclosure determined to be a contributing factor to the personnel action, the burden of proof shall be on the City of Frankfort to prove by clear and convincing evidence that the disclosure was not a material factor in the personnel action.

(D) Any employee who testifies in an official proceeding shall be afforded the same protections and rights as the employee who makes a disclosure as set forth in § 39.26.
(Ord. 24, 2012, passed 12-17-12)

§ 39.99 PENALTY.

(A) (1) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under § 39.14 within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500. Any civil fine imposed by the Board under § 39.14 may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(2) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.
(‘70 Code, § 2.100.170)

(B) Except when another penalty is specifically set forth in this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this chapter shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed \$1,000, which may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within the time prescribed by the Board of Ethics.

(C) In addition to all other penalties which may be imposed under this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this chapter shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the officer fails to pay the amount of the forfeiture within the time prescribed by the Board of Ethics.

(D) In addition to all other penalties which may be imposed under this chapter, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty of a violation of this chapter shall be sufficient cause for removal, suspension, demotion or other disciplinary action by the executive authority of the city or city agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this chapter shall be taken in accordance with all applicable ordinances and regulations of the city and applicable laws of the commonwealth.
(‘70 Code, § 2.100.290)

CHAPTER 40: POLICE DEPARTMENT AND FIRE DEPARTMENT

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Vacation leave, see § 37.14

Statutory reference:

City Police and Fire Departments, see KRS 95

GENERAL PROVISIONS**§ 40.01 PROCEDURE FOR COMPLAINTS AGAINST DEPARTMENTS.**

(A) Complaints made to any members of the Police Department or Fire Department by citizens against other members thereof shall be taken down in writing by the officer and shall by him or her be turned over to the Chief of Police or Chief of the Fire Department who shall cause the charges to be transmitted to the City Manager, together with any other information that he or she shall possess or have knowledge of.

(B) Complaint made against a superior officer may be made by a member or members of the Police or Fire Department in writing directed to the City Manager.

(C) Sworn complaints or preferred charges made against members of the Police Department and Fire Department shall be administered in accordance with the provisions of KRS 15.520 and KRS 95.450, as applicable.

(‘70 Code, § 2.27.010) (Ord. 1, 2010, passed 1-25-10)

§ 40.02 PROCEDURE FOR DEPARTMENTAL COMPLAINTS.

To resolve complaints and issues at the lowest appropriate management levels for employment related matters through their supervisors, department heads, and the City Manager, employees may appear before the Board of Commissioners only after following established grievance procedures. Employment related matters will not be addressed during the citizen comment portion of the agenda. This does not prohibit employees from commenting on non-employment related matters. ('70 Code, § 2.27.020) (Am. Ord. 6, 2012, passed 5-21-12)

§ 40.03 UNIFORMS AND EQUIPMENT.

(A) All members of the Police or Fire Department while on duty shall be dressed in uniform and shall keep themselves in a neat and presentable appearance. Members of the respective departments may be authorized by the Police Chief or Fire Chief to wear civilian clothing.

(B) Upon retirement, a sworn full-time officer of the Police Department may request to purchase the service handgun issued by the department at a price equivalent to the weapon's fair market value on the date of the officer's retirement. The employee must notify the Police Chief in a timely manner of the desire to purchase the service handgun in order for the property to be declared as surplus. Fair market value may be determined by reference to a recognized pricing guide. Transfer of service handgun to the retiree will be completed by recording the transaction on a form developed by the Police Department and retained in the employee's personnel file. ('70 Code, § 2.27.030) (Am. Ord. 6, 2012, passed 5-21-12)

§ 40.04 DUTIES OF CHIEFS.

The Chief of Police shall be the chief officer of the Police Department and the Chief of the Fire Department shall be the chief officer of the Fire Department. They shall see that all rules and regulations, laws and orders of the City Manager and Board of Commissioners are carried out in full and shall have the power and authority to issue and enforce the policies, procedures, rules and regulations they consider necessary for the purpose of improving or carrying on and regulating the Police Department and Fire Department. The Chief of Police and the Chief of the Fire Department shall have no regular office hours but for the purpose of looking after and regulating its force in proper function shall be deemed on duty at all hours. It shall be the duty of the Chief of Police to look after and visit the various routes assigned to each police officer as often as practicable at any and all hours of the day and night and it is likewise the duty of the Chief of the Fire Department to see and inspect the respective members thereof, to see that they properly perform their duties. It shall be the duty of the Chief of Police and the Chief of the Fire Department to properly inform the City Manager and/or Board of Commissioners of all matters of interest pertaining to the Police or Fire Departments. ('70 Code, § 2.27.040) (Am. Ord. 6, 2012, passed 5-21-12)

§ 40.05 STATUTORY PENSION SYSTEM ADOPTED; EXPENSES.

(A) The city hereby adopts the provisions of KRS 95.881 to 95.885 by reference into the ordinances of the city and henceforth shall operate the pension fund for employees of the Police and Fire Departments pursuant thereto who were participating prior to August 1, 1988. A new account is created to be known as the Police and Firefighters Retirement Fund. ('70 Code, § 2.27.050)

(B) (1) The trustees of the Police and Firefighters Retirement Fund of the city shall not incur an indebtedness for any administrative expense without the prior express approval of the Board of Commissioners of the city.

(2) The trustees of the Police and Firefighters Retirement Fund shall make every contract for supplies or services expressly subject to the approval of the Board of Commissioners. Whether expressly made so subject or not, every contract shall be construed as subject to the approval of the Board of Commissioners and shall be submitted to the Board of Commissioners by the City Manager with a statement of the liability incurred and of his or her recommendation, for its approval or disapproval.

('70 Code, § 2.27.060)

(Am. Ord. 6, 2012, passed 5-21-12)

§ 40.06 SAFETY EMPLOYEE FITNESS FOR DUTY REQUIREMENTS.

(A) Safety employee histories indicate a significant occurrence level of injuries, many resulting from strain, coronary disease and spinal degeneration producing pain, loss of work time, disability situations, excessive demands for sick leave, workers compensation benefits and disability retirements. Safety service requires a high degree of physical stamina. Fitness training has been shown to increase and maintain work capacity, improve and maintain general health and reduce the potential for personal suffering and loss of life. It is believed to be in the public interest, and in the best interest of employees in the Police and Fire Departments and their families that fitness standards be established and enforced.

(B) Mandatory physical fitness standards are hereby established for all sworn members of the Police and Fire departments employed after January 1, 1987, and they shall be required to meet these standards as a condition of employment. These standards shall be approved by the Board of Civil Service to fit job related physical standards and to comply with all federal and state requirements.

(C) Employees shall be required to pass a job-related physical agility test at time of hire and annually thereafter. In lieu of the annual job-related physical agility test required at the time of hire and annually thereafter, the employee may enroll in a department-approved Fit for Duty program designed to promote physical and mental fitness. The employees must annually achieve the minimum standards established by the job-related physical agility test or the department-approved Fit for Duty program.

(D) A physical and/or psychological evaluation may be required for safety employees at the discretion of the chief at any time during the course of his or her employment.

(E) The physical agility test shall be administered by the division annually, or, if the employee elects to participate in the department-approved Fit for Duty program, the employee shall at all times meet the physical evaluation requirements of the program. The only basis for not participating in either program is a valid written medical exemption from a physician. An employee who does not participate due to medical exemption must test immediately upon expiration of the medical exemption.

(F) Failure of an employee to pass the physical agility test or to meet the requirements of the department-approved Fit for Duty program shall result in disciplinary action. Employees failing to pass the physical agility test or failing to meet the requirements of the department-approved Fit for Duty program shall be given a 60-day extension from the date of the failed test to comply with the standards. At the end of 60 days, employees unable to meet requirements shall be subject to suspension without pay for up to six months by charges being filed with the Board of Commissioners. During the period of suspension, an employee may be tested again on no more than three occasions, and shall be reinstated upon passage. At the end of the designated suspension period, the employee shall be re-examined. If the employee passes, the employee shall be reinstated. If the employee fails, charges shall be brought for dismissal.

(G) While fitness shall be a mandatory requirement, the means to obtain fitness will be at the employee's discretion. However, in order to assist the employee, the city will provide access to an exercise or recreational facility.
(‘70 Code, § 2.30.055) (Am. Ord. 7, 2002, passed 2-21-02; Am. Ord. 6, 2012, passed 5-21-12; Am. Ord. 23, 2012, passed 12-17-12)

CIVIL SERVICE

§ 40.15 BOARD OF CIVIL SERVICE.

(A) There shall be, and there hereby is created the Board of Civil Service for police and fire, by which name it shall be known. It shall consist of five members, who shall be selected and appointed by the Mayor, subject to the approval of the Board of Commissioners. (‘70 Code, § 2.30.010)

(B) (1) Each appointee and member of the Board of Civil Service for police and fire shall be a qualified voter of the city; shall have resided herein for at least two years prior to appointment; shall be at least 30 years of age; and shall not be related by either blood or marriage to the Mayor or any member of the Board of Commissioners. If, at any time during the term of office, any member of the body becomes a candidate for or is elected or appointed to any public office the member of the Board shall

immediately vacate the office on the Board. These are four year terms which commence as of March 1 and expire on the last day of February four years later and until a successor is appointed and qualified.

(2) Any and all vacancies shall be filled for the unexpired term only in the same manner as the original appointment.

(3) (a) The Board of Civil Service shall elect its Chair at the first meeting of each year.

(b) A majority of the Board of Civil Service for police and fire shall constitute a quorum. All certifications of applicants shall be signed by the quorum present.

(4) The Board of Civil Service for police and fire shall hold regular or stated periodical meetings at the times as it may prescribe by resolution, and shall hold the special meetings as its Chairperson, or any three members, may call, upon written notice.

(5) The Personnel Director or designee, acting as Clerk of the Board of Civil Service for police and fire shall attend its meetings and keep in the personnel office a journal of its proceedings. ('70 Code, § 2.30.020)

(C) It shall be the duty of the Board of Civil Service to examine applicants for original or promotional appointment in the Police and Fire Departments, and to certify the results of each examination to the City Manager in writing signed by the quorum of the Board present within five days after completion of the examination. ('70 Code, § 2.30.030)

(D) Terms of office.

(1) The term of office for Board of Civil Service shall be four year terms which commence as of March 1.

(2) The mayor may replace a member of the Board of Civil Service that has not participated in a meeting for 12 consecutive months.
(Ord. 32-80, 1980, passed 9-8-80; Am. Ord. 15-96, 1996, passed 8-20-96; Am. Ord. 6, 2012, passed 5-21-12)

(E) Members of the Board of Civil Service shall be compensated at a rate of \$100 per day for attending meetings, whether evaluating candidates or conducting Board business.
(Ord. 6, 2012, passed 5-21-12)

§ 40.16 [RESERVED.]

§ 40.17 [RESERVED.]**§ 40.18 POLITICAL ACTIVITY.**

Employees under the terms and provisions of the chapter shall not violate applicable law as relates to political activity.

(‘70 Code, § 2.30.160) (Ord. 32-80, passed 9-8-80)

§ 40.19 [RESERVED.]**§ 40.20 [RESERVED.]****§ 40.21 POLICE DEPARTMENT ORIGINAL APPOINTMENTS.**

(A) *The application process.*

(1) An applicant for original appointment in the Police Department shall submit a completed application on a form to be prescribed by the City Manager and file same with the Human Resources Director, as Clerk of the Board of Civil Service, prior to the advertised application filing deadline.

(2) Whenever sufficient applications are on file, or whenever in the discretion of the City Manager an examination should be held, the Human Resources Director shall, after consultation with the Board of Civil Service, designate in writing to the Board of Civil Service a date of an examination, and shall notify each applicant whose application is on file, of the time and place of examination. No applicant for original appointment shall be entitled to take an examination unless:

(a) The applicant is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen;

(b) The applicant is a high school graduate and a copy of the high school diploma or GED report certified by proper school authority is provided with the application;

(c) The applicant’s age is not less than 21 years upon date of appointment, which means that the applicant shall have reached or passed his or her 21st birthday. A copy of the applicant’s birth certificate issued by the state and signed by the registrar of the state in which the applicant was born must accompany the application.

(d) The applicant shall furnish evidence of possession of a valid motor vehicle operator's license and must possess a valid state operator's license as prescribed by state law.

(3) (a) All applicants shall by virtue of having made application consent to a department background investigation.

(b) Each applicant shall be responsible to notify the Human Resources Department of any change of address or contact information. Any notice sent to an applicant at the address provided shall be deemed sufficient notice.

('70 Code, § 2.30.070)

(c) Any applicant who in any way falsifies information shall be disqualified from participating in the examination process by the City Manager.

(B) The examination process and eligibility list.

(1) All applicants shall be examined by the Board of Civil Service or its designee as to qualifications and fitness to fill the position of Patrol Officer in the following respects:

(a) The Police Chief shall recommend job-related physical agility standards through the Human Resources Director to the City Manager. Upon approval of the City Manager, the physical agility standards shall be included in the Department's policies or standard operating procedures. A summary of the test and/or these standards will be documented and may be made available to interested applicants.

(b) The applicant shall be required to submit to a uniform written test to be prescribed by the Police Chief, in order to test the applicant's general knowledge, aptitudes, specific skills and ability to communicate clearly. Tests shall be fairly administered and job-related to the extent that qualifying abilities may be objectively measured. Test selection and security shall be the responsibility of the Police Chief. The written test, regardless of the number of questions, shall have a total value of 100%. Each applicant shall achieve a minimum written test score of 70%, or the minimum score set by the provider of a validated test, in order to continue in the process.

(c) The applicant shall satisfy the Board of Civil Service by oral interview that the applicant knows in general the duties of the position applied for and is prepared to make the necessary personal commitment as a Patrol Officer. Oral interviews may be held by the Civil Service Board with a quorum of the Board members present. With the approval of the Board of Civil Service, the Police Chief or his designee may be allowed to participate in the interviews and score each candidate.

(d) Should the number of candidates eligible for the oral interview exceed 26 candidates, the Police Chief may determine that the interviews be conducted using the following Banding Procedure. Rather than interview and score all eligible candidates prior to creating the eligibility list, the candidate

pool may be divided into multiple pools based upon written test scores, and only candidates in the pool/band with the highest written scores advance to oral interviews. The pool/band with the highest scores shall consist of at least 26 candidates. After these candidates are interviewed an Eligibility List may be created using only this pool of candidates. After more than 67% of the candidates on the Eligibility List have either been hired, have declined employment offers, have had contingent job offers withdrawn, or been removed from the Eligibility List due to suitability issues, the Police Chief will determine whether to schedule additional oral interviews for candidates not in the original band of applicants or to begin a new recruitment process. If additional candidates are scheduled for oral interviews, the Eligibility List will be reconstituted and their total scores will be integrated into the new Eligibility List.

(2) Upon completion of the examination process described above, the Clerk of the Board of Civil Service shall gather each candidate's scores and create an eligibility list of candidates with total passing scores. An applicant will be deemed to have passed the examination process if his or her total score is a minimum of 70%.

(a) The relative weight to be given to the components of the examination process shall be as follows:

1. Physical agility: pass/fail.
2. Written test: 50%.
3. Preliminary background investigation: pass/fail.
4. Oral interview: 50%.
5. Total: 100%.

(b) The passing applicants' names and total scores shall be placed, in rank order, on a Patrol Officer Recruit eligibility list. When a majority of members of the Board of Civil Service that participated in the oral interviews have signed the eligibility list, it shall be forwarded through the Human Resources Director to the City Manager. The eligibility list shall be valid and remain in full force and effect until such time as another examination is held and a new eligibility list is certified by the Board of Civil Service to the City Manager.

('70 Code, § 2.30.050) (Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 28, 2002, passed 11-7-02)

(c) The name of any applicant on an eligibility list who fails to report for an interview with the appointing authority or to make a satisfactory response to the notice, or any applicant who declines an appointment without a reason satisfactory to the City Manager, may be removed from the eligibility list. Notice of the removal shall be furnished to the applicant; and the applicant's name shall not be reinstated to the list without providing an explanation satisfactory to the City Manager.

(d) In case the Board of Civil Service or the City Manager has reason to believe that any applicant whose name is on an eligibility list should be removed therefrom on account of incapacity developed subsequent to examination, or for fraud or false statement on the applicant's part in connection with the application or examination, or misconduct of any kind evidencing unfitness or lack of loyalty, or lack of capacity for proper discipline, the City Manager may before appointing the applicant give the applicant notice to show cause before the Board of Civil Service why the applicant should not be dropped from the list, and on the notice the applicant shall be given an opportunity to be heard before the Board of Civil Service. If the applicant fails to appear for hearing, or fails to convince the Board of Civil Service that the applicant should remain on the eligibility list, the applicant shall be removed from the eligibility list.

(3) Separate from the application process described above, applicants that have already been certified as Peace Officers by the Kentucky Law Enforcement Council may be considered for appointment at any time under an Accelerated Candidate Process. Applicants under this process must possess a minimum of two years of full time law enforcement experience and be employed with a law enforcement agency at the time of application. The applicant must be in good standing at the agency where employed and must sign a waiver that authorizes the City to contact his employer to obtain employment records. Candidates that are reviewed for potential appointment under this process must be able to pass the Peace Officer Professional Standards (POPS) physical fitness standards, and must successfully complete polygraph testing, psychological testing, physical examination and drug screen, and a background investigation. Time worked in other law enforcement agencies will not count toward Police Department seniority, and accrued leave from the other agency will not transfer to City employment.

(C) The appointment process.

(1) When a vacant Patrol Officer position needs to be filled, the Police Chief and the City Manager will seek the approval of the Board of Commissioners to extend contingent job offers to fill the position(s). Upon the approval of the Board of Commissioners, the Police Chief may make a contingent offer of employment to an applicant on the eligibility list having one of the highest five scores, or to a KLEC certified applicant pursuant to the Accelerated Candidate Process described above. The contingent employment requirements may include in depth background checks, psychological examination, polygraph examination, drug/alcohol screening and/or medical examination to assure fitness for duty. If the applicant successfully meets all of the requirements of an approved conditional offer of employment, the candidate may be immediately appointed and begin work. If the candidate fails to meet all requirements, the Police Chief may withdraw the contingent offer of employment and seek another suitable candidate from the eligibility list. Applicants who have been given a conditional offer of employment, and subsequently are denied employment due to unsatisfactory background, polygraph or drug screen examination results shall not be eligible to be placed upon a subsequent eligibility list for a period of five years from the date the conditional offer is withdrawn.

(‘70 Code, § 2.30.080)

(2) Prior to a final offer of appointment an applicant for the Police Department shall receive a job-related examination by a medical doctor of the city's choice to determine ability to perform the essential functions and required tasks of Patrol Officer.

('70 Code, § 2.30.060) (Am. Ord. 12, 2002, passed 4-4-02; Am. Ord. 28, 2008, passed 11-24-08)

(3) All original appointments from the eligibility list shall be for an initial probationary period of 12 months after receiving POPS certification and no original appointment shall be deemed finally made until the appointee has satisfactorily served the initial probationary period. For candidates that possess the POPS certification the initial probationary period shall be for 12 months from the date hired. The probationary period may be extended for an additional six months upon the recommendation of the Police Chief and with the approval of the City Manager. The appointee during the probationary period may be terminated with or without cause by the Board of Commissioners upon the written recommendation of the Police Chief and/or the City Manager.

('70 Code, § 2.30.090) (Ord. 32-80, 1980, passed 9-8-80; Am. Ord. 15-96, 1996, passed 8-20-96)

(4) If the preliminary or in-depth background investigation reveals that an applicant has provided false information or does not meet the qualifications for employment as stated in state statutes or city ordinance, the City Manager shall remove the applicant from the employment process. If the applicant is on the eligibility list the City Manager shall remove the applicant from the eligibility list. If the applicant has been made a contingent job offer, the City Manager may withdraw that offer. The applicant shall be notified in writing of the decision and the reason for removal or withdrawal. The applicant may appeal the decision of the City Manager to the Board of Civil Service, which may choose to conduct a hearing for the applicant to show cause as to why the City Manager's decision should be changed. In the event the information does not come to the attention of the proper officials until after the applicant has been appointed in the Police Department, the applicant shall, notwithstanding the appointment, be subject to removal from any appointed position as the result of providing false information during the employment process.

('70 Code, § 2.30.040)

(Am. Ord. 6, 2012, passed 5-21-12)

§ 40.22 FIRE DEPARTMENT ORIGINAL APPOINTMENTS.

(A) The application process.

(1) An applicant for original appointment in the Fire Department shall submit a completed application on a form to be prescribed by the City Manager and file same with the Human Resources Director, as Clerk of the Board of Civil Service, prior to the advertised application filing deadline.

(2) Whenever sufficient applications are on file, or whenever in the discretion of the City Manager an examination should be held, the Human Resources Director shall, after consultation with the Board of Civil Service, designate in writing to the Board of Civil Service a date of an examination,

and shall notify each applicant whose application is on file, of the time and place of examination. No applicant for original appointment shall be entitled to take an examination unless:

(a) The applicant is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen;

(b) The applicant is a high school graduate and a copy of the high school diploma or GED report certified by proper school authority is provided with the application;

(c) The applicant's age is not less than 21 years upon date of appointment, which means that the applicant shall have reached or passed his or her 21st birthday. A copy of the applicant's birth certificate issued by the state and signed by the registrar of the state in which the applicant was born must accompany the application.

(d) The applicant shall furnish evidence of possession of a valid motor vehicle operator's license and must possess a valid state operator's license as prescribed by state law.

(3) (a) All applicants shall by virtue of having made application consent to a department background investigation.

(b) Each applicant shall be responsible to notify the Human Resources Department of any change of address or contact information. Any notice sent to an applicant at the address provided shall be deemed sufficient notice.
(‘70 Code, § 2.30.070)

(c) Any applicant who in any way falsifies information shall be disqualified from participating in the examination process by the City Manager.

(B) The examination process and eligibility list.

(1) All applicants shall be examined by the Board of Civil Service or its designee as to qualifications and fitness to fill the position of Firefighter in the following respects:

(a) The Fire Chief shall recommend job-related physical agility standards through the Human Resources Director to the City Manager. Upon approval of the City Manager, the physical agility standards shall be incorporated in the department's policies and/or standard operating procedures. A summary of the test and/or these standards will be documented and may be made available to interested applicants. The physical agility standard shall be the Candidate Physical Agility Test (CPAT), or meet the standards required pursuant to KRS 95A.040. A valid unexpired CPAT card may be required of applicants who remain on an eligibility list more than 12 months as a condition of employment.

(b) The applicant shall be required to submit to a uniform written test to be prescribed by the Fire Chief, in order to test the applicant's general knowledge, aptitudes, specific skills and ability to communicate clearly. Tests shall be fairly administered and job-related to the extent that qualifying abilities may be objectively measured. Test selection and security shall be the responsibility of the Fire Chief. The written test, regardless of the number of questions, shall have a total value of 100%. Each applicant shall achieve a minimum written test score of 70%, or the minimum score set by the provider of a validated test, in order to continue in the process.

(c) The applicant shall satisfy the Board of Civil Service by oral interview that the applicant knows in general the duties of the position applied for and is prepared to make the necessary personal commitment as a Firefighter. Oral interviews may be held by the Civil Service Board with a quorum of the Board members present. With the approval of the Board of Civil Service, the Fire Chief or his designee may be allowed to participate in the interviews and score each candidate.

(d) Should the number of candidates eligible for the oral interview exceed 26 candidates, the Fire Chief may determine that the interviews be conducted using the following Banding Procedure. Rather than interview and score all eligible candidates prior to creating the eligibility list, the candidate pool may be divided into multiple pools based upon written test scores, and only candidates in the pool/band with the highest written scores advance to oral interviews. The pool/band with the highest scores shall consist of at least 26 candidates. After these candidates are interviewed an Eligibility List may be created using only this pool of candidates. After more than 67% of the candidates on the Eligibility List have either been hired, have declined employment offers, have had contingent job offers withdrawn, or been removed from the eligibility list due to suitability issues, the Fire Chief will determine whether to schedule additional oral interviews for candidates not in the original band of applicants or to begin a new recruitment process. If additional candidates are scheduled for oral interviews, the Eligibility List will be reconstituted and their total scores will be integrated into the new Eligibility List.

(2) Upon completion of the examination process described above, the Clerk of the Board of Civil Service shall gather each candidate's scores and create an eligibility list of candidates with total passing scores.

(a) An applicant will be deemed to have passed the examination process if his or her total score is a minimum of 70%, prior to the addition of additional credit points as specified in paragraph (c) below.

(b) The relative weight to be given to the components of the examination process shall be as follows:

1. Physical agility: pass/fail.
2. Written test: 50%.

3. Preliminary background investigation: pass/fail.
4. Oral interview: 50%.
5. Total: 100%.

(c) Upon receiving a passing score, additional credit for current certifications shall be applied to the applicant's total score prior to ranking the score on the eligibility list as follows:

1. Kentucky Certified Firefighter: 1 point.
2. Kentucky or National EMT-B: 1 point.
3. Kentucky or National EMT-P: 2 points.

(d) The passing applicant's names and total scores shall be placed, in rank order, on a Firefighter Recruit eligibility list. When a majority of members of the Board of Civil Service that participated in the oral interviews have signed the eligibility list, it shall be forwarded through the Human Resources Director to the City Manager. The eligibility list shall be valid and remain in full force and effect or until such time as another examination is held and a new eligibility list is certified by the Board of Civil Service to the City Manager.

('70 Code, § 2.30.050) (Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 28, 2002, passed 11-7-02)

(e) The name of any applicant on an eligibility list who fails to report for an interview with the appointing authority or to make a satisfactory response to the notice, or any applicant who declines an appointment without a reason satisfactory to the City Manager, may be removed from the eligibility list. Notice of the removal shall be furnished to the applicant; and the applicant's name shall not be reinstated to the list without providing an explanation satisfactory to the City Manager.

(f) In case the Board of Civil Service or the City Manager has reason to believe that any applicant whose name is on an eligibility list should be removed therefrom on account of incapacity developed subsequent to examination, or for fraud or false statement on the applicant's part in connection with the application or examination, or misconduct of any kind evidencing unfitness or lack of loyalty, or lack of capacity for proper discipline, the City Manager may before appointing the applicant give the applicant notice to show cause before the Board of Civil Service why the applicant should not be dropped from the list, and on the notice shall be given an opportunity to be heard before the Board of Civil Service. If the applicant fails to appear for hearing, or fails to convince the Board of Civil Service that the applicant should remain on the eligibility list, the applicant shall be removed from the eligibility list.

(C) The appointment process.

(1) When a vacant Firefighter position needs to be filled, the Fire Chief and the City Manager will seek the approval of the Board of Commissioners to extend contingent job offers to fill the

position(s). Upon the approval of the Board of Commissioners, the Fire Chief may make a contingent offer of employment to an applicant on the eligibility list having one of the highest five scores. The contingent employment requirements may include in depth background checks, psychological examination, polygraph examination, drug/alcohol screening and/or medical examination to assure fitness for duty. If the applicant successfully meets all of the requirements of an approved conditional offer of employment, the candidate may be immediately appointed and begin work. If the candidate fails to meet all requirements, the Fire Chief may withdraw the contingent offer of employment and seek another suitable candidate from the eligibility list. Applicants who have been given a conditional offer of employment, and subsequently are denied employment due to unsatisfactory background, polygraph or drug screen examination results shall not be eligible to be placed upon a subsequent eligibility list for a period of five years from the date the conditional offer is withdrawn.
(‘70 Code, § 2.30.080)

(2) Prior to a final offer of appointment an applicant for the Fire Department shall receive a job-related examination by a medical doctor of the city’s choice to determine ability to perform the essential functions and required tasks of Firefighter.
(‘70 Code, § 2.30.060) (Am. Ord. 12, 2002, passed 4-4-02; Am. Ord. 28, 2008, passed 11-24-08)

(3) All original appointments from the eligibility list shall be for an initial probationary period of 12 months and no original appointment shall be deemed finally made until the appointee has satisfactorily served the 12-month probationary period. The probationary period may be extended for up to an additional six months by recommendation of the Fire Chief and with the approval of the City Manager. The appointee during the probationary period may be terminated with or without cause by the Board of Commissioners upon the written recommendation of the Fire Chief and/or the City Manager.
(‘70 Code, § 2.30.090) (Ord. 32-80, 1980, passed 9-8-80; Am. Ord. 15-96, 1996, passed 8-20-96)

(4) If the preliminary or in-depth background investigation reveals that an applicant has provided false information or does not meet the qualifications for employment as stated in state statutes or city ordinance, the City Manager shall remove the applicant from the employment process. If the applicant is on the eligibility list the City Manager shall remove the applicant from the eligibility list. If the applicant has been made a contingent job offer, the City Manager may withdraw that offer. The applicant shall be notified in writing of the decision and the reason for removal or withdrawal. The applicant may appeal the decision of the City Manager to the Board of Civil Service, which may choose to conduct a hearing for the applicant to show cause as to why the City Manager’s decision should be changed. In the event the information does not come to the attention of the proper officials until after the applicant has been appointed in the Police Department, the applicant shall, notwithstanding the appointment, be subject to removal from any appointed position as the result of providing false information during the employment process.
(‘70 Code, § 2.30.040)
(Am. Ord. 6, 2012, passed 5-21-12)

§ 40.23 POLICE DEPARTMENT PROMOTIONS.

(A) (1) Upon the request of the City Manager, the Board of Civil Service shall hold competitive examinations for those members of the Police Department for the purpose of establishing an eligibility list for potential promotion to the ranks of Police Sergeant, Police Lieutenant, Police Captain and Police Major. Employees that will become eligible for promotion within one year following the testing date shall be eligible to take the promotional exam.

(2) A member of the Police Department must serve one year in the next lower rank before he or she will be deemed eligible for promotion, with the exception of patrol officer who must serve a total of 48 months before being eligible for promotion. No employee who has received disciplinary action in the form of a suspension of more than five days during the 24 months prior to testing will be eligible for examination for promotion. No member who received an unsatisfactory performance evaluation the prior year will be eligible for promotional examination.

(3) Vacancies in rank shall be filled as far as is practicable, within 90 days of occurrence. Promotions will be made from the eligibility list certified by the Board of Civil Service. Notwithstanding the above provisions, the position of Police Chief may be filled by appointment/promotion of a member of the Police Department holding one of the next two lower ranks (Police Major or Police Captain), or by the appointment of a qualified applicant of similar rank who is not a member of the Frankfort Police Department.
(‘70 Code, § 2.30.100) (Am. Ord. 11, 2000, passed 2-28-00)

(B) An applicant for promotional appointment in the Police Department shall sign a completed application on a form to be prescribed by the Human Resources Director and file same with the Human Resources Director as Clerk of the Board of Civil Service at least 15 days prior to the date set for examination, provided that said deadline may be waived by the Civil Service Board for good cause. Notice of promotional examinations shall be by bulletins posted on the bulletin board in the Police Department. All applicants who filed their applications at least 15 days prior to the time set for the examination and who will, one year from the date set for the examination, be eligible for promotion, shall be eligible to participate in the examination.
(‘70 Code, § 2.30.110)

(C) Promotional process components.

(1) There shall be four separate components/examinations to determine each candidate’s qualifications and fitness for promotion. Scores from the four components shall be combined to create a total score, and the components shall be weighted as follows:

Written test:	50 points
Departmental input:	20 points
Longevity:	10 points
Oral interview:	20 points
Total	100 points

(2) Written test: Test material shall be those prescribed by the Police Chief, shall be pertinent to the duties and responsibilities of the rank being tested, and shall be administered according to accepted standards of public practice. Employees must score at least 70% on the written exam to continue participating in the promotional process.

(3) Departmental input: The department shall establish the procedures, factors, and relative weight of each factor to be used in determining departmental input. The procedures shall include a meeting with all personnel in the next higher rank who will jointly assign numerical value to each of the factors established for each rank; either the police chief or major shall be present as a nonvoting member of the meeting, except that the majors shall evaluate the captains and the Police Chief shall evaluate the majors. Each employee shall have the results of his/her departmental input rating explained to him or her by the immediate supervisor. Each employee has the right to appeal the departmental input rating through the city's grievance procedure. Each employee of the Police Division shall be evaluated at least annually with regard to overall job performance and skills development and attainment of personal and departmental objectives. Performance evaluations shall be completed on forms specifically developed for this purpose and approved by the Police Chief. The Police Chief shall be responsible for ensuring that evaluations are performed and that each employee receives one copy of his or her evaluation, one copy is filed in police administration, and one copy is forwarded to the Human Resources Office. Employee evaluation procedure: Each employee shall be evaluated as described in this section by his or her immediate supervisor, starting with the rank of sergeant, and all evaluations shall be reviewed by the Majors and Police Chief. Each employee shall have the results of the evaluation explained to him or her by the rating officer, during which time the supervisor and employee will establish goals and objectives for increased and/or continued performance levels. Each employee shall have the right to appeal a performance evaluation through the city's grievance procedure.

(4) Longevity: One-half point for each year of unbroken service up to a maximum of 20 years shall be added to the cumulative score of all candidates passing the written test as described under this section.

(5) Oral interview:

(a) Candidates will be interviewed and scored by a quorum of the Board of Civil Service. If the Board has difficulty convening a quorum, two members of the Board and a police professional chosen by the Police Chief may conduct and score the interviews. The applicant shall satisfy the Board that he or she knows and understands the duties of the position applied for and the rules and regulations pertaining thereto. The applicant may be questioned to determine general intelligence and to ascertain any education, special character traits or aptitudes. The Police Chief, or his designee, may be interviewed concerning qualifications of each applicant and shall furnish the information as the Board of Civil Service may require.

(b) Any reports as may be required by the Board of Civil Service shall be made available to the Board through the Clerk of the Board. The Board may take into consideration any disciplinary actions or recognitions of performance received by any candidate during the 24 months prior to the interview.

(6) The applicant shall be scored on each of the four components, and the total score then determined by the Human Resources Director, taking into consideration the relative weight of each of the components. Promotional candidates will be deemed to have passed the promotional process if his or her total score of all test components totals a minimum of 70%. Applicants with a total score of less than 70% will not be placed on the eligibility list. A promotional eligibility list for each rank, including the applicant's names and total score shall be certified by a majority of the Board of Civil Service that participated in the oral interviews to the City Manager as being eligible for promotional appointment to a position in the Police Department. The eligibility list shall include the final total scores of all applicants.

('70 Code, § 2.30.123) (Ord. 6-85, passed 1-28-85; Am. Ord. 20-88, passed 9-26-88; Am. Ord. 5-93, passed 3-22-93; Am. Ord. 13-96, passed 6-17-96; Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 1, 2002, passed 1-10-02)

(7) Promotional eligibility lists shall be valid and remain in full force and effect for one year or until such time as another examination is held and a new eligibility list is certified by the Board of Civil Service to the City Manager.

(D) In case the Board of Civil Service or the City Manager has reason to believe that any applicant whose name is on an eligible list should be removed therefrom on account of incapacity developed subsequent to his examination, or for fraud or false statement on his or her part in connection with his application or examination, or misconduct of any kind evidencing unfitness, or lack of capacity for proper discipline, the City Manager may before promoting the applicant give him or her notice to show cause before the Board of Civil Service why his or her name should not be dropped from the list, and on the notice he or she shall be given an opportunity to be heard before the Board of Civil Service. If the applicant fails to appear for hearing, or fails to convince the Board of Civil Service that his or her name should be retained on the list, his or her name shall be removed from the eligible list.

('70 Code, § 2.30.130) (Ord. 32-80, passed 9-8-80)

(E) The Police Chief, with the approval of the City Manager, shall select the candidate to be promoted from those candidates on the promotional eligibility list with the three highest scores. A candidate who has been passed over (a lower ranking candidate is promoted) shall be provided a written notice which includes the reasons for the selection that was made. The City Manager will place the promotion of the candidate on the Board of Commissioner's agenda for their approval. ('70 Code, § 2.30.140) (Ord. 32-80, passed 9-8-80)

(F) All employees promoted from the eligibility list shall serve a probationary period of six months; and no promotion shall be deemed finally made until the appointee has satisfactorily served said six months probationary period. During the promotional probationary period the employee may be demoted back to his or her previous rank only for good cause, and only upon written recommendation by the Police Chief and approval by the City Manager and Board of Commissioners. ('70 Code, § 2.30.150) (Ord. 32-80, passed 9-8-80)
(Am. Ord. 6, 2012, passed 5-21-12)

§ 40.24 FIRE DEPARTMENT PROMOTIONS.

(A) (1) Upon the request of the City Manager, the Board of Civil Service shall hold competitive examinations for those employees of the Fire Department for the purpose of establishing an eligibility list for potential promotion to the ranks of Fire Sergeant, Fire Lieutenant, Fire Captain, Fire Battalion Chief and Assistant Fire Chief. Employees that will become eligible for promotion within one year following the testing date shall be eligible to take the promotional exam.

(2) Effective July 1, 2012, with the exception of individuals listed on the eligibility list existing as of that date, a candidate for promotion must serve a minimum period of time in the next lower rank with the City Fire Department before the candidate may be promoted to the next higher rank. The minimum periods of service are as follows:

Fire Sergeant - at least 36 months as a Firefighter/EMT II and/or Firefighter/EMT III
Fire Lieutenant - at least 24 months as a Fire Sergeant
Fire Captain - at least 24 months as a Fire Lieutenant
Fire Battalion Chief - at least 12 months as a Fire Captain
Assistant Fire Chief - at least 12 months as a Fire Battalion Chief

(3) No employee that has been suspended for three or more consecutive or nonconsecutive days (shifts) within 24 months prior to testing will be eligible to participate in the promotional process. No candidate who has received an evaluation with an overall rating of Unsatisfactory or Needs Improvement within the prior 12 months will be eligible to participate in the promotional process.

(4) Satisfying professional standards and/or receipt of professional certifications may be required as prerequisites for promotion provided that adequate notice is provided to promotional candidates.

(5) Vacancies in rank shall be filled as far as is practicable, within 90 days of occurrence. Promotions will be made from the eligibility list certified by the Board of Civil Service. Notwithstanding the above provisions, the position of Fire Chief may be filled by appointment/promotion of a member of the Fire Department holding one of the next two lower ranks (Assistant Chief or Battalion Chief), or by the appointment of a qualified applicant of similar rank who is not a member of the Frankfort Fire Department.
(‘70 Code, § 2.30.100) (Am. Ord. 11, 2000, passed 2-28-00)

(B) An applicant for promotional appointment in the Fire Department shall sign a completed application on a form to be prescribed by the Human Resources Director and file same with the Human Resources Director as Clerk of the Board of Civil Service at least 15 days prior to the date set for examination, provided that said deadline may be waived by the Civil Service Board for good cause. Notice of promotional examinations shall be by bulletins posted on the bulletin board in the Fire Department. All applicants who filed their applications at least 15 days prior to the time set for the examination and who will, one year from the date set for the examination, be eligible for promotion, shall be eligible to participate in the examination.
(‘70 Code, § 2.30.110)

(C) Promotional process components.

(1) There shall be four separate components/examinations to determine each candidate’s qualifications and fitness for promotion. Scores from the four components shall be combined to create a total score, and the components shall be weighted as follows:

- (a) Written Test: 45%.
- (b) Performance Assessment: 35%.
- (c) Longevity: 10%.
- (d) Oral interviews: 10%.
- (e) Total: 100%

(2) Written test: Test materials shall be those prescribed by the Fire Chief, shall be pertinent to the duties and responsibilities of the rank being tested, and shall be administered according to accepted standards of public practice. Applicants must score a minimum of 70% on the written exam to continue participating in the promotional process.

(3) Performance assessment: Assessment scenarios shall be designed to measure the applicant’s interpersonal skills and judgment. They shall be standardized, realistic, job relevant situations designed to provide valid predictions of future work behavior. The scoring criteria may emphasize competencies

involving both technical and nontechnical skills (including common sense, judgment, tactical knowledge and interpersonal behavior). The scoring criteria of the situational responses shall focus on competence as measured by two content scales: task orientation (a measure of the applicant's problem solving ability) and interpersonal skills (a measure of the behaviors used by applicants to relate appropriately to the situations presented).

(4) Longevity: One-half point for each year of unbroken service up to a maximum of 20 years shall be added to the cumulative score of all candidates passing the written test as described under this section.

(5) Oral interviews.

(a) Candidates will be interviewed and scored by a quorum of the Board of Civil Service. If the Board has difficulty convening a quorum, two members of the Board and a fire professional chosen by the Fire Chief may conduct and score the interviews. The applicant shall satisfy the Board that he or she knows and understands the duties of the position applied for and the rules and regulations pertaining thereto. The applicant may be questioned to determine general intelligence and to ascertain any special character traits or aptitudes. The Fire Chief, or his designee, may be interviewed concerning qualifications of each applicant and shall furnish the information as the Board of Civil Service may require.

(b) Any reports as may be required by the Board of Civil Service shall be made available to the Board through the Clerk of the Board. The Board may take into consideration any disciplinary actions or recognitions of performance received by any candidate during the 24 months prior to the interview.

(6) The applicant shall be scored on each of the four components, and the total score then determined by the Human Resources Director, taking into consideration the relative weight of each of the components. Promotional candidates will be deemed to have passed the promotional process if his or her total score of all test components totals a minimum of 70%. Applicants with a total score of less than 70% will not be placed on the eligibility list. A promotional eligibility list for each rank, including the applicant's names and total scores shall be certified by a majority of the Board of Civil Service that participated in the oral interviews to the City Manager as being eligible for promotional appointment to a position in the Fire Department. The eligibility list shall include the final total scores of all applicants.

('70 Code, § 2.30.123) (Ord. 6-85, passed 1-28-85; Am. Ord. 20-88, passed 9-26-88; Am. Ord. 5-93, passed 3-22-93; Am. Ord. 13-96, passed 6-17-96; Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 1, 2002, passed 1-10-02)

(7) Promotional eligibility lists shall be valid and remain in full force and effect for one year or until such time as another examination is held and a new eligibility list is certified by the Board of Civil Service to the City Manager.

(D) In case the Board of Civil Service or the City Manager has reason to believe that any applicant whose name is on an eligible list should be removed therefrom on account of incapacity developed subsequent to his or her examination, or for fraud or false statement on his or her part in connection with his or her application or examination, or misconduct of any kind evidencing unfitness, or lack of capacity for proper discipline, the City Manager may before promoting the applicant give him or her notice to show cause before the Board of Civil Service why his or her name should not be dropped from the list, and on the notice he or she shall be given an opportunity to be heard before the Board of Civil Service. If the applicant fails to appear for hearing, or fails to convince the Board of Civil Service that his or her name should be retained on the list, his or her name shall be removed from the eligible list.

('70 Code, § 2.30.130) (Ord. 32-80, passed 9-8-80)

(E) The Fire Chief, with the approval of the City Manager, shall select the candidate to be promoted from those candidates on the promotional eligibility list with the three highest scores. A candidate who has been passed over (a lower ranking candidate is promoted) shall be provided a written notice which includes the reasons for the selection that was made. The City Manager will place the promotion of the candidate on the Board of Commissioners' agenda for their approval.

('70 Code, § 2.30.140) (Ord. 32-80, passed 9-8-80)

(F) Notwithstanding the personnel ordinance (Chapter 37 of this code) for non-civil service positions, all employees promoted from the eligibility list shall serve a probationary period of 12 months; and no promotion shall be deemed finally made until the employee has satisfactorily served this 12 month probationary period. During the probationary period the employee may be demoted back to his or her previous rank only for good cause, and only upon written recommendation by the Fire Chief and approval by the City Manager and Board of Commissioners.

('70 Code, § 2.30.150) (Ord. 32-80, passed 9-8-80)

(Am. Ord. 6, 2012, passed 5-21-12)

FIRE DEPARTMENT

§ 40.30 DEPARTMENT CREATED.

(A) The Fire Department shall consist of a Chief and such number of Assistant Chiefs, Battalion Chiefs, Captains, Lieutenants, Sergeants, Firefighters and other employees as may be provided for in the annual appropriation ordinance and the budget, or any emergency appropriation ordinance.

(B) The Chief of the Fire Department shall command and supervise the Fire Department of the city and see that their duties are properly performed. In addition, the Chief of the Fire Department shall be authorized and empowered, and it shall be his or her duty, to do and perform all acts and things required by general law, and/or ordinances of the city, to be performed by the Chief of the Fire Department and

he or she shall perform other duties as may be required of him or her by the Board of Commissioners or by the ordinances.

(C) There shall be appointed Assistant Chiefs, Battalion Chiefs, Captains, Lieutenants, Sergeants, Firefighters and other employees as is provided in the annual appropriation ordinance or by any emergency appropriation ordinance. Each firefighter shall be authorized and empowered, and it shall be his or her duty to do and perform all acts and things required by general law, and/or ordinances of the city, to be performed by firefighters and they shall perform other duties as may be required of them by the Fire Chief or City Manager, or by the ordinances.

(‘70 Code, § 2.33.010) (Am. Ord. 6, 2012, passed 5-21-12)

§ 40.31 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREFIGHTER. Any member of the Fire Department, except wherein the term designates rank.
(‘70 Code, § 2.33.020)

§ 40.32 NUMBER OF FIRE PERSONNEL; GRADES AND RATINGS.

(A) The number of individuals comprising the Frankfort Fire Division shall be provided in the annual budget and appropriation ordinance or through any interim appropriation ordinance. The grades and ratings of the personnel comprising the Fire Division shall be divided into the following ranks as hereinafter provided:

(1) Fire Chief;

(2) Assistant Chief;

(3) Battalion Chief;

(4) Fire Marshal, Fire Training Officer, Emergency Medical Services Director and Fire Public Education Officer as set forth in § 40.36;

(5) Captain;

(6) Lieutenant;

(7) Sergeant;

(8) Firefighter;

(9) Firefighter/EMT;

(10) Civilian personnel as established by annual budget and appropriation ordinance. ('70 Code, § 2.33.030) (Ord. 37, 1965, passed 12-27-65; Am. Ord. 6-81, 1981, passed 2-9-81; Am. Ord. 30-84, 1984, passed 12-10-84; Am. Ord. 8-91, 1991, passed 2-25-91; Am. Ord. 20, 2009, passed 9-28-09; Am. Ord. 6, 2012, passed 5-21-12)

§ 40.33 RANK; OBEDIENCE TO ORDERS.

Under the rank system a firefighter with the higher rank shall be in charge of firefighters of lower rank on any assigned duty. A failure to obey a lawful order, given in the line of duty, by a firefighter in charge of firefighters of lower rank, shall be immediately reported to the Chief of the Fire Department for consideration of disciplinary action.

('70 Code, § 2.33.040) (Am. Ord. 6, 2012, passed 5-21-12)

§ 40.34 ATTENDANCE AT FIRES OUTSIDE CITY LIMITS.

The Fire Chief or his or her designee may, in his or her discretion, order the firefighting apparatus of the city to attend the fires outside of the city limits as he or she deems necessary.

('70 Code, § 2.33.050) (Am. Ord. 6, 2012, passed 5-21-12)

§ 40.35 DISPATCHING TO AID OTHER MUNICIPALITIES OR AGENCIES.

(A) Upon proper request by a municipality or other government agency through its duly authorized representative, the Board of Commissioners hereby authorizes the Fire Chief or his or her duly authorized representatives to dispatch the Fire Department, including persons and equipment, to go to the aid of the requesting municipality or governmental agency, except that the dispatches must not seriously deplete the fire and/or emergency medical resources for the city.

(B) Outside assistance dispatches shall be in accordance with established city policy set forth in Fire Department Standard Operating Procedure 300.1, "Outside Assistance Dispatching Procedures," on file in the Office of the Fire Chief and as may be amended from time to time.

('70 Code, § 2.33.060) (Ord. 17-89, 1989, passed 5-22-89; Am. Ord. 6, 2012, passed 5-21-12)

§ 40.36 FIRE MARSHAL; FIRE TRAINING OFFICER; EMERGENCY MEDICAL SERVICES DIRECTOR; FIRE PUBLIC EDUCATION OFFICER.

(A) (1) There are hereby created the positions of Fire Marshal, Fire Training Officer, Emergency Medical Services Director, and Fire Public Education Officer with duties as outlined in job descriptions.

(2) These positions, which are established by ordinance and budgetary authority, are duty assignments with temporary status only and those serving in the positions shall retain their permanent rank. At the discretion of the Fire Chief, these positions may be filled from applicants meeting the qualifications as required by the job description, from within or outside the Fire Department ranks. Non-civil service appointees will be classified as civilian personnel and will be subject to all applicable civilian city personnel policies and procedures. The persons shall serve under the direction of the Fire Chief, shall perform duties as may be assigned to them, and are subject to the policies, procedures, rules and regulations of the Fire Department where applicable.

(‘70 Code, § 2.45.010) (Am. Ord. 6, 2012, passed 5-21-12)

(B) The Fire Marshal, Fire Training Officer, Emergency Medical Services Director, and Fire Public Education Officer shall be compensated at their regular civil service rank grade established by salary ordinance and shall in addition thereto receive 9% above grade. The differential work hour pay is provided in exchange for duty performance on a 37.5-hour workweek (five 7.5-hour workweek days) in lieu of the fire duty hours, as outlined in KRS 95.500. Vacation and sick leave shall accrue on the basis of a 37.5 workweek.

(‘70 Code, § 2.45.030) (Ord. 14-68, 1968, passed 6-10-68; Am. Ord. 22-89, 1989, passed 6-12-89; Am. Ord. 24, 2005, passed 11-28-05; Am. Ord. 22, 2006, passed 9-25-06; Am. Ord. 6, 2012, passed 5-21-12)

(C) Effective June 1, 2012 employees newly assigned to these positions shall be compensated at the pay grades as follows:

Fire Marshal - Equivalent to Fire Captain

Fire Training Officer - Equivalent to Fire Captain

Emergency Medical Services Director - Equivalent to Fire Battalion Chief

Fire Public Education Officer - Equivalent to Fire Lieutenant

(D) Employees assigned to these positions may at any time be reassigned to platoon positions. Upon such reassignment the employee shall be reoriented to the position he or she formerly held prior to being assigned to the 37.5 hour work week staff position. Employees reassigned to platoon positions shall not be eligible for promotion for a minimum of six months after such reassignment. While serving in the staff/duty assignment position an employee shall not be eligible to participate in the promotional process, but shall retain the rank he or she held when initially assigned.

(Ord. 6, 2012, passed 5-21-12)

POLICE DEPARTMENT**§ 40.45 DEPARTMENT CREATED; MEMBERS.**

(A) The Police Department shall consist of the Chief and a number of division commanders, captains, lieutenants, detectives, sergeants and patrol persons and other employees as may be provided for in the annual appropriation ordinance and the budget, or any emergency appropriation ordinance.

(B) The Chief of Police's duty shall be to command and supervise the Police Department of the city, and to see that their duties as defined by law and ordinances of the city are properly performed. The Chief of Police shall be authorized and empowered, and it shall be his or her duty, to do and perform all acts and things required by general law and/or ordinances of the city, to be performed by the Chief of Police. He or she shall perform other duties as may be required of him or her by the Board of Commissioners or by ordinances.

(C) There shall be appointed assistant chiefs, captains, lieutenants, sergeants and patrol persons, as is provided in the annual appropriation ordinance or by any emergency appropriation ordinance. It shall be the duty of each member of the Police Department to acquire and have a general knowledge of the criminal laws of the state and the ordinances and regulations of the city, which he or she may be called upon to enforce, and to use his or her best exertions to prevent the commission, within the police jurisdiction of the city, of offenses against the laws of the state and the ordinances and regulations of the city, to observe and enforce all laws, ordinances and regulations, to detect and arrest offenders, to observe the good order of the city, and to secure the inhabitants thereof and persons within the city from violence and property from injury. Each police officer shall be authorized and empowered, and it shall be his or her duty, to do and perform all acts and things required by general law and/or ordinances of the city, to be performed by police officers, and they shall perform other duties as may be required of them by the Police Chief or City Manager, or by the ordinances.
(‘70 Code, § 2.36.010) (Am. Ord. 6, 2012, passed 5-21-12)

§ 40.46 TRAFFIC GUARDS.

(A) A corps of traffic guards not to exceed seven members for the protection of school children at street crossings in coming to and from school is hereby created in the Department of Public Safety.

(B) The Chief of Police shall cause traffic guards to be given necessary training for their work, shall assign them to their posts, shall fix their hours of duty and supervise their work.

(C) Each traffic guard shall receive compensation at the rate as set by the Board of Commissioners and shall be furnished his or her uniform which shall remain the property of the city.
(‘70 Code, § 2.36.030) (Ord. 30-65, 1965, passed 10-11-65)

§ 40.47 NUMBER OF POLICE OFFICERS.

The number of police officers comprising the Police Department shall be provided in the annual budget and appropriation ordinance.

('70 Code, § 2.36.040) (Ord. 5-67, 1967, passed 2-13-67; Am. Ord. 17-77, 1977, passed 6-17-77; Am. Ord. 27-78, 1978, passed 6-26-78)

§ 40.48 NUMBER OF OFFICERS AND CIVILIAN POSITIONS.

(A) Grades and rates of the persons comprising the Police Department shall be divided into the following grades and rates as hereinafter provided:

- (1) Chief of Police;
- (2) Division Commander, Major;
- (3) Shift Commander, Captain;
- (4) Assistant Shift Commander, Lieutenant;
- (5) Sergeants; and

(6) The number of patrol officers, as established by the annual budget and appropriation ordinance.

(7) Civilian personnel as established by annual budget and appropriation ordinance.

(8) Part-time temporary positions including traffic guards or as otherwise provided for in the annual appropriation ordinance.

(B) Any ordinances referring to rank as previously designated are hereby amended to reflect these newly created designations.

('70 Code, § 2.36.050) (Ord. 5-67, 1967, passed 2-13-67; Am. Ord. 25-80, 1980, passed 6-30-80; Am. Ord. 8-86, 1986, passed 5-28-86; Am. Ord. 17-91, 1991, passed 6-6-91)

§ 40.49 RANK AND SENIORITY.

(A) For the purposes of this chapter, the Chief of Police shall be in charge of all police officers serving with the Department; the position(s) of Division Commander shall be subordinate only to the Chief of Police; police captains shall be subordinate only to the Chief and Division Commander; police

lieutenants shall be subordinate only to the Chief, Division Commander and police captains; police sergeants shall be subordinate to the Chief, Division Commander, police captains and police lieutenants; patrol persons shall be subordinate to all the above named police officers; probationary patrol officers shall be subordinate to all officers in the Department that have completed their initial probationary period.

(B) In the absence of designation by the Chief or Division Commander to persons assigned to details in the Department who hold the same rank, the officer with earliest date of appointment in that rank shall be in charge of men with a later date of rank.

(C) Under the rank system, as hereinabove set out, the police officer with the higher rank shall be in charge of persons of lower rank on any assigned duty. A failure to obey a lawful order, given in the line of duty, by a police officer in charge of police officers of a lower rank, shall immediately be reported to the Chief of Police for consideration of disciplinary action.
(‘70 Code, § 2.36.060) (Am. Ord. 6, 2012, passed 5-21-12)

(D) Effective June 1, 2012, an employee’s seniority shall be determined by the length of continuous, full-time service with the Department from the most recent appointment or reinstatement date. When two or more employees were appointed on the same date, seniority is determined by their position on the eligibility list. Rank seniority is determined by an employee’s most recent date of promotion in the present rank. If two or more supervisors are promoted on the same date, rank seniority is determined by position on the eligibility list. In this case, the employee with the higher rank on the eligibility list is senior to an employee that was lower on the list. In the case of original appointments or promotions, a tie in the total score on the eligibility list will be broken by the highest score on the written exam.
(Ord. 6, 2012, passed 5-21-12)

§ 40.50 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

POLICE OFFICER. Any member of the Police Department, except as used to designate rank.
(‘70 Code, § 2.36.070)

§ 40.51 [RESERVED.]

§ 40.52 DETECTIVES.

(A) The position of detective in the Police Department is a duty assignment with temporary status only and those serving in this position shall retain their permanent rank as established by civil service procedures.

(B) The position of detective shall be filled from the ranks with members having a minimum of two years total continuous service subject to established competitive qualifying procedures. The members shall serve under the direction of the Chief of Police and shall perform other duties as may be assigned to them.

('70 Code, § 2.36.090) (Ord. 42-78, 1978, passed 11-21-78; Am. Ord. 2-83, 1983, passed 2-28-83; Am. Ord. 3-84, 1984, passed 4-9-84; Am. Ord. 18-98, 1998, passed 9-3-98; Am. Ord. 6, 2012, passed 5-21-12)

§ 40.53 TRAINING, EDUCATION AND OTHER PROGRAMS.

(A) The city hereby declares its intention to participate in the Law Enforcement Foundation Program Fund established by KRS 15.410 through 15.510.

(B) Each officer of the Police Department shall be paid from city funds an annual salary as set from time to time by the Board of Commissioners.

(C) Each officer employed on or after July 1, 1973, shall have as a minimum educational attainment a high school degree, or its equivalent as determined by the State Law Enforcement Council. Each officer employed on or after July 1, 1972, shall within one year of his or her date of employment complete a basic training course at a school certified or recognized by the State Law Enforcement Council.

(D) Each officer, whether originally employed before or after July 1, 1972, shall successfully complete each year an in-service training course of 40 hours duration appropriate to his or her rank and responsibility at a school certified or recognized by the State Law Enforcement Council. Each officer shall receive in each calendar year five days time off with pay for the purpose of taking the required in-service training.

(E) No officer shall have his or her base salary reduced or be denied a normal salary increase to which he or she is otherwise entitled because of the salary incentive payments provided by the Law Enforcement Foundation Program Fund under KRS 15.410 through 15.510.

(F) The Police Department and each officer thereof shall comply with all provisions of law applicable to local police, including the transmission of data to the Kentucky Unified Criminal Justice Information System as required by KRS 17.150.

(G) The Chief of the Police Department shall prepare or cause to be prepared quarterly and other reports as may be reasonably required by the Law Enforcement Foundation Program Fund to facilitate administration of the fund and further the purposes of KRS 15.410 through 15.510.

(H) The Police Department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local Police Department, issued by the Law Enforcement Foundation Program Fund to facilitate the administration of the fund and further the purposes of KRS 15.410 through 15.510.

(I) (1) The Finance Director of the city shall deposit in an appropriate account which can be identified separately from all other sources, all monies received under KRS 15.410 through 15.510.

(2) Forthwith upon receipt of any monies under KRS 15.410 through 15.510, the Human Resources Department shall pay to each police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of monies paid to him or her under KRS 15.410 through 15.510 is included and identified.

(3) All financial records relating to monies received under KRS 15.410 through 15.510 shall be retained for a period of three years and until the completion of an audit approved by the Law Enforcement Foundation Program Fund and the U.S. Law Enforcement Assistance Administration. ('70 Code, § 2.36.120) (Ord. 9-73, 1973, passed 4-9-73; Am. Ord. 6, 2012, passed 5-21-12)

§ 40.54 CARRYING CONCEALED WEAPONS.

(A) All members of the Police Department that carry deadly weapons on or about their persons in their regularly scheduled duties as police officers may carry concealed deadly weapons on or about their persons at all times within the commonwealth.

(B) This section is enacted for the express purpose of protecting the police officers from prosecution under the provisions of KRS 435.230(1) when they may be outside the corporate limits of the city and for no other purpose. ('70 Code, § 2.36.130) (Ord. 33-70, 1970, passed 12-14-70)

§ 40.55 IMPERSONATION OF OFFICERS.

No person, whether employed as a merchant police officer, guard or private detective, or not, shall in any way impersonate a city police or represent himself or herself to any person as being an officer, nor shall he or she wear any uniform, or any part or insignia thereof, of the same or similar color as the official uniform of the Police Department, nor shall he or she use any motor vehicle decorated so as to resemble an official Police Department vehicle. ('70 Code, § 2.36.140) (Ord. 46-69, 1969, passed 11-24-69) Penalty, see § 10.99

§ 40.56 MANUAL OF RULES OF CONDUCT AND PERFORMANCE.

The Police Department Manual of Rules of Conduct and Performance dated October 1995, which amends the January 1982 Manual of Rules and Regulations, is hereby adopted by reference as an ordinance of the city and copy of which is on file in the Office of the City Clerk.
(‘70 Code, § 2.36.160) (Ord. 17-95, 1995, passed 11-15-95)

§ 40.57 EMERGENCY PREPAREDNESS COORDINATOR.

(A) There is hereby created the position of Emergency Preparedness Coordinator with duties as outlined in job description.

(B) This position, which is established by ordinance and budgetary authority, is a full time staff position under the Police Department. The position shall be filled from applicants meeting the qualifications as required by job description, from within or outside the civil service ranks. The position shall serve under the direction of the Police Chief and shall perform such duties as may be assigned.

(C) The position of Emergency Preparedness Coordinator shall be compensated at the regular grade established by salary ordinance for the position.
(Ord. 10, 2003, passed 6-16-03; Am. Ord. 6, 2012, passed 5-21-12)

